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DOCTORAL THESIS

**FUNCTIONALITY AND IMPACT OF COMMUNITIES PROTECTION
MECHANISMS AS TOOLS FOR INCLUSIVE POLICIES AT THE
LOCAL LEVEL IN KOSOVO AND NORTH MACEDONIA**

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Abstrakti

Kjo temë e disertacionit analizon dhe ofron një pasqyrë krahasuese të funksionalitetit dhe ndikimit të mekanizmave të mbrojtjes së komuniteteve si mjete për politika gjithëpërfshirëse në nivel lokal në Kosovë dhe Maqedoninë e Veriut. Plani i Kombeve të Bashkuara Martii Ahtisaari në Kosovë dhe Marrëveshja Kornizë e Ohrit në Maqedoninë e Veriut analizohen dhe krahasohen në këtë disertacion. Vështrimi krahasues fokusohet në legjislacionin e dy vendeve me vëmendje të veçantë për institucionet e nivelit lokal mbi mekanizmat e vendosur, në përputhje me Planin e Ahtisaarit dhe Marrëveshjen Kornizë të Ohrit. Vëmendje i jepet studimit nëse këto mekanizma janë të krijuar, funksionale dhe i shërbejnë qëllimit të krijimit. Gjatë analizës shtjellohen dhe krahasohen ndryshimet dhe ngjashmëritë në procesin 'politik' të krijimit të mekanizmave të drejtaave të komuniteteve që i shërbejnë një qëllimi politik. Krahas analizës së kornizës ligjore dhe institucionale, janë realizuar dy grupe lloj anketash dhe intervistash krahas vlerësimit të funksionalitetit dhe ofrimit të një analize krahasuese ndërmjet Kosovës dhe Maqedonisë së Veriut. Së pari janë anketuar 80 komuna dhe qyteti i Shkupit, ndërsa pjesë e kësaj analize institucionale krahasuese kanë qenë edhe të 38 komunat e Kosovës. Një anketë e dytë me qytetaret në dy vendet është ndërmarrë; gjithsej 111 në Kosovë dhe 112 individë në Maqedoninë e Veriut janë anketuar për të vlerësuar dhe krahasuar njohuritë, angazhimin e mundshëm dhe përfshirjen e qytetareve në procesin e mbrojtjes së drejtave të komunitetit.

Pjesa përmbyllëse ofron rekomandime, sfidat dhe këshilla se si potencialisht këto mekanizma mbrojtës mund të përmbushin më mirë rolin e tyre në shërbim të të drejtave të komuniteteve. Rekomandimet dhe sfidat burojnë nga krahasimi ligjor, institucional dhe i gjetjeve; Rekomandimet burojnë gjithashtu nga sondazhet dhe sfidat me të cilat përballen banorët në Kosovë dhe Maqedoninë e Veriut.

Tema ofron një kuptim teorik të mekanizmave të mbrojtjes së komunitetit duke prezantuar përkufizimet dhe objektivat universale dhe lokale të të dyja vendeve. Teza gjithashtu zhvillon një përkufizim funksional të mekanizmit të mbrojtjes së komunitetit, i cili nuk është përdorur më parë dhe as nuk është shpjeguar në nivel global, rajonal apo lokal.

Abstract

This dissertation thesis intends to analyze and provide an overview of CPM functionality and impact as tools for inclusive policies at the local level in Kosovo and North Macedonia. UN plan in Kosovo and the OFA in North Macedonia will be analyzed and compared. Comparative analysis and overview were focused on two countries' legislation with specific attention to local level institutions over the established mechanisms, in line with the Ahtisaari Plan and OFA. Comparative emphasis was given to whether these mechanisms are established, functional, and operational and served the purpose of establishment. Differences and similarities with the 'political' process of creating mechanisms in both countries to ensure community rights served a political purpose were compared. In addition to the legal framework analysis, two sets of surveys and interviews were conducted to assess the functionality and provide a comparison. First, 80 municipalities and the City of Skopje were surveyed. At the same time, all 38 municipalities in Kosovo have also been part of this comparative institutional analysis. A second survey with residents has been undertaken; a total of 111 in Kosovo and 112 individuals in North Macedonia have been surveyed to assess and compare residents' knowledge, potential engagement, and involvement in community protection.

The concluding thesis provides recommendations and challenges on how those protection mechanisms could potentially better fulfill their role in serving community rights. Recommendations and challenges stem from the legal, institutional, and findings comparison; recommendations also stem from Kosovo and North Macedonia surveys and challenges raised by residents.

The dissertation provides a theoretical understanding of CPM by introducing both countries' universal and local definitions and objectives. The thesis also develops a working definition of *community protection mechanism*, which was not previously used nor explained globally, regionally, or locally.

Keywords: Legislation, Human Rights, Comprehensive Proposal, Community, Ohrid Framework Agreement, Representation, Mechanisms, Protection.

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Lists of abbreviations

AoK	Assembly of Kosovo
CICR	Committees for Inter-Community Relations
CC	Community Committee
CPM	Community Protection Mechanism
CoE	Council of Europe
DMC	Deputy Mayor for Communities
EU	European Union
GoK	Government of Kosovo
ICO	International Civilian Office
ICCPR	International Covenant on Civil and Political Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
MEST	Ministry of Education, Science, and Technology
MLGA	Ministry of Local Governance Administration
MCSC	Municipal Community Safety Council
MOCR	Municipal Office for Communities and Return
KFOR	Kosovo Force
OFA	Ohrid Framework Agreement
OSCE	Organization for Security and Co-operation in Europe
PISG	Provisional Institutions of Self-Government
ToR	Terms of References
UN	United Nations
UNMIK	United Nations Mission in Kosovo

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And yes, Rea and Jon, I still go to school, and I am not sure if this is the end.

Chapter I Introduction

Generally speaking, CPM are a relatively new method used to promote the rights of communities in a numerical minority and their inclusion. Community rights protection notion is a derivative of the UN Nations principles of protection framework and was codified only in the past century. Roots of community protection are laid in the UN Declaration on Human Rights, while in Europe, community protection is referred to in the ECHR. However, in Kosovo and North Macedonia, CPM and the legal infrastructure only partially addressed community rights in 2000. Community rights were introduced in light of ethnic tensions and conflicts that ended conflicts in the past decades with the breakup of Yugoslavia. These mechanisms were introduced to facilitate dialogue, ease inter-ethnic tensions, and promote cohabitation. Community protection was incorporated in both countries' legal and institutional settings. In Kosovo, the removal of supervised independence was conditioned on establishing, functionality, and incorporating these mechanisms in the legal infrastructure. In North Macedonia, after the OFA agreement, enhanced community rights were negotiated and introduced into the country's legal framework.

While for the interest of this dissertation will discuss CPM based on citizen groups' ethnicity in the two countries for this analysis concern. The principal interest will be comparing institutional and legislative settings and how CPM effectively fosters inclusion by promoting peace and cohabitation among communities residing in both countries. Furthermore, the duties and their impact were studied and compared. The analysis also entailed questionnaires, which helped get insights into how both countries evaluate these protection mechanisms' functionalities and if, in principle, they affect local decision-making. Finally, the comparative analysis provides recommendations on these local mechanisms and advises how Kosovo or North Macedonia's situation can be improved by providing specific examples of legislation, practices, or tools to improve community protection and inclusion.

Both countries have endorsed legislation enabling CPM and fulfilling these communities' rights. Countries have also established CPM that derive as obligatory requirements. In elaborating the term for the analysis, international treaties and

regional conventions will also be a basis for research, especially those of UN. For this thesis, the interest was to evaluate whether these mechanisms impacted both countries' local decision-making.

“For such definition purposes, we will refer to the *CPM as tools, methods, legislation/instruments that Kosovo and North Macedonia use to promote community rights and interests of particular ethnic community groups*. Throughout the thesis, this definition was used to compare and contrast the differences, similarities, and challenges that countries use to improve community rights” (Binaku, 2021).

The dissertation's second chapter focuses on the Ahtisaari proposal and OFA requirements, specifically on legislation on the community protection mechanisms, constitutions of both countries, and laws on human rights. Internationally recognized community and human rights principles were also elaborated and compared.

The second chapter will compare Kosovo's applicable legislation with the North Macedonia and European and International standards on CPM (how to create such instruments and if there are differences between both). Emphasis was also given to impact community protection mechanisms, consecutively creating the new entities and their functionality. This is especially true for Kosovo, where the information and data were provided on UNMIK legislation and relevant CPM established during the UN Administration in Kosovo.

The third chapter contains information and provides a comparative analytical overview of CPMs, evaluating the impact, successes, and challenges of the process in community integration, inclusion, promoting rights, and securing peace. This chapter contains information on the facts and political actors involved and why there were few successes and challenges in a few instances. Kosovo and North Macedonia elaborated on the political implications and the external influence on the community protection mechanism. The institutional obligations and actions of Kosovo and North Macedonia in fulfilling the requirements set in the comprehensive status proposal and OFA were analyzed. The dissertation examines these mechanisms and how this was conceived as a success or a failure in North Macedonia and Kosovo; all this is based on the achievements and impasses encountered in the process. Finally, the dissertation will compare and showcase the creation of the new protection

mechanisms resulting from strategies for integration and inclusiveness of communities in both countries.

The thesis will elaborate on the CPM, and the final status settlement negotiations in Kosovo, similarly to provisions set at the OFA adopted in 2001 to provide "political and institutional resolution to ethnic divisions' challenges in Macedonia" (OSCE, 2001).

The fourth chapter will include an empirical study-methodical approach in Kosovo and North Macedonia. Ahtisaari plan and OFA provisions, especially those related to community protection mechanisms. This chapter includes an analysis of instruments and legislation foreseen with the Ahtisaari plan in Kosovo and OFA in North Macedonia. A desk research technique was employed, followed by a questionnaire prepared and conducted in Kosovo and North Macedonia's CPM with citizens and respective municipal and institutional officials. The questionnaire provided valuable data and insight into institutions' and citizens' functionality and understanding of the community protection mechanisms. In addition, the questionnaire findings provided insights into how the communities and residents have information on their existence, functions, or use of these mechanisms. Finally, the questionnaire results provide recommendations on CPM and necessary insights on potential improvements.

The concluding chapter includes an analysis of the main obstacles in Kosovo and North Macedonia's community protection mechanism and recommendations for improving the process. The main comparative differences between the countries are listed, including political implications that affected the process, and last but not least, recommendations for improvements are provided. The dissertation analyzed legislation, actors involved, successes and stalemates, parallel structures, and progress in implementing the Ahtisaari Plan and the OFA. To note, countries' failure in functionalizing CPM also has a political and security aspect. This means that Kosovo would lack the capabilities to integrate the national minorities, Serbia's political influence would grow, and its illegal parallel structures would flourish. The failure of the CPM in Kosovo would also mean that the local Serbs' confidence would be lost in Kosovo's institutions and would have a devastating impact on the local municipalities/Serbs that support the process Ahtisaari package. While in North

Macedonia, failure to comply with the constitutional changes and legislative amendments could have instilled another turbulencies or conflict between Albanians and ethnic Macedonians.

Chapter II Literature Review

The literature review section provides and overviews historical developments in developing community-based rights definitions and studies. The literature review will touch upon global, regional, and local literature on Kosovo and North Macedonia communities. The literature review's focus was given to human rights legislation material and CPM to promote community rights in two countries. The objective was to present historical developments, planning, requirements, and goals to establish the legislative agenda and fulfill community-based rights. This aimed at identifying community protection principles, primarily by reviewing local, regional and universal legislation on community protection to provide resources and data for analysis. During this section of the dissertation, a challenge was that not much data was available and analyzed these mechanisms for the last 20 years. This might be because no similar mechanisms existed in Kosovo and North Macedonia before 1999. The review considered research and analysis done in Kosovo and North Macedonia and internationally, specifically those targeting and publishing after the Ahtisaari plan and the OFA endorsement. Thus in doing so, a vast range of laws, administrative instructions, terms of references, reports, success stories, and findings were referred to in this work. The literature review assesses overtime changes of the legal and institutional framework of community protection mechanism and its influences and impact on realizing community protection rights in two countries after this post-conflict period.

The dissertation will thoroughly analyze the (UNMIK) regulations' specific provisions on community protection. This will pertain specifically to the regulation 2000/45 on Local Self-Government, as this UNMIK document laid the initial foundations on creating the CPM. The UN administration organized the first democratic elections, Kosovo had the first constitutional Framework introduced, and Kosovo's Provisional Self-Government institutions were created. The newly installed UN administration also enabled a 120-seat parliament; Kosovo guaranteed 20 places in the Assembly of Kosovo for communities in a numerical minority and enacted community protection mechanisms. However, although the parliament was

established due to the first free elections, the UN administration could still veto any legislative agenda approved or initiated by provisional institutions in Kosovo.

An essential benchmark in establishing local-level democracy and institutions was introducing the “UN administration regulation 2000/45 that introduced the functioning of local-level institutions in Kosovo” (UN, 1999). In line with the UNMIK regulation 2000/45, the first structure of community protection at the local level was introduced. Two of three mandatory committees dealt explicitly with community matters, a community committee, and mediation committees.

In 2003, UNMIK introduced the so-called *standards before status*. Kosovo guaranteed 20 places in the Assembly as part of the international efforts to address Kosovo's future status. Kosovo was introduced to standards, including improving democracy, tolerance, multi-ethnicity, and all Kosovo residents. This UNMIK document called *Standards for Kosovo*, produced in Prishtina, introduced rights and institutional improvements. The rights of communities were also listed as improvements that Kosovo should fulfill before discussing the final status. The most urgent requests to be fulfilled were the right to be proportionally represented at the local and central levels by all communities. Kosovo document on “standards envisaged rights of communities, to comment, review, clear documents, and legislation to be approved by Kosovo Government” (UNMIK/PISG, 2003).

This requirement made municipalities ensure access to services, healthcare, and education, while also set requirements on representation and employment. Martti Ahtisaari initiated institutional requirements series of *shuttle diplomacy* talks between Kosovo and Serbia. This process of negotiations was finalized in 2007. UN envoy submitted his proposed plan to Secretary-General. The proposal was formally the “Comprehensive Proposal for the Kosovo Status Settlement (CSP), is a status settlement proposal covering a wide range of issues related to the Kosovo status process” (UN, 2007). The document introduced “constitutional provisions, communities rights, decentralization of local government, and justice system” (UN, 2007).

The Kosovo Status Settlement proposal obliged institutions to keep that skeleton and further advance those rights. Kosovo's current institutional setting is based on its constitution that lays foundations on human rights and community

protection explicitly derived as obligations from the Ahtisaari plan. Kosovo declared independence and endorsed a new constitution.

As a result of the new constitution, a general package of laws were approved. The laws mentioned above and documents will backbone a literature review on the Kosovo case. These approved constitutions changed Kosovo's legal and organizational structure of the public institutions, UNMIK regulations became Laws, and subsequent Administrative Instructions were implemented.

Compared to Kosovo, North Macedonia is a sovereign state as of 1991. The institutional history of North Macedonia was relatively different compared to Kosovo's. First, the breakup of Yugoslavia did not result in a war in North Macedonia.. The main changes affecting the community and human rights in North Macedonia's constitution have occurred after much debate and disagreement that the country underwent in 2001. These challenges and human rights violations resulted in an internal turmoil that resulted in an interethnic conflict, which was only resolved with the peace talks that resulted in a peaceful agreement in Ohrid.

The literature review was conducted between March 2019 and July 2021 by identifying literature, books, and research, including governance, democracy, local governance, human rights, representation, conflict studies, and community rights. This was mainly done through electronic resources and JSTOR, and google scholar, libraries, and databases of national parliaments of Kosovo and North Macedonia were studied in connection to the approved laws on matters of communities' protection. In addition, international organizations' studies and publications on community protection and survey were reviewed and referred to, while legislation produced after the Ahtisaari plan and OFA were explicitly examined.

Research on CPM refers to authors such as Kegler, Steckler, McLeroy, & Malek, who have already touched upon community protection and engagement. In line with the western principles of representative democracy, Kosovo and North Macedonia have endorsed practices and principles ensuring that ethnic communities are equally represented. Principles of participation, political equality, majority rule, and equal opportunities have created a mechanism to ensure that political representation is guaranteed.

Author, Robinson notes that “the nature of an ideal state, in contemporary times, can be argued to be developmental and democratic; characterized by redistributive growth, broad-based participation, pro-poor policies, and responsiveness of public policy to local needs” (Robinson, 1998). Given the complexities of these two countries, maintaining the state's neutrality in fostering peace and cohabitation is an important element to consider. This is especially true when “it is increasingly argued that subnational democracy is important in revitalizing and reinvigorating democratic systems, as well as promoting better public governance” (Blokke, 2012).

Kosovo and North Macedonia have promoted inclusive policies at the local level as a form and a method for fostering community inclusion and improved access of communities in decision-making processes and interethnic relations. Kosovo and North Macedonia have undertaken reforms and approved legislation, having gone from a transitory state form of centralized governance in the Socialist Federal Republic of Yugoslavia (SFRY) into a relatively decentralized form. This was particularly true in decentralizing public affairs and approved legislation recognizing communities and their members' rights. Kosovo and North Macedonia's critical reforms aimed at “fragmenting central authority and fostering greater intergovernmental competition, accountability, and participation to make the public governance more effective, efficient and responsive” (Bardhan, 2006).

Further, the element of importance through empowerment through participation can be asserted as a desirable outcome that can promote inclusion and the efficiency of the community protection mechanism. The increasing need for international organizations and institutions has also promoted community involvement in public affairs through CPM in crisis management in these two countries. The involvement of these western partners/organizations in crisis management has also increased community participation and inclusion at the local level and introduced changing local dynamics. CPM has been essential in North Macedonia, according to OFA (OSCE, 2001), and Kosovo exclusively during 2000-2010 before and after the Ahtisaari plan (Ahtisaari, 2007). CPM principles have emerged as a critical public sector reform in Kosovo and North Macedonia to

improve community-based rights. The introduced principles still dominate the policy discourse on their functionality and efficiency.

Having said the above, CPM's form and immediate impact in facilitating an inclusive, participatory mechanism as tools for inclusive policies in Kosovo and Macedonia were elaborated. The literature review aims to contribute to the discussion and comparative analysis of CPM of aim, objectives, problems, challenges, agents involved, and factors in establishing and designing these mechanisms to realize the effective community representation and influence as tools for participation and inclusiveness. Legal obligations, competencies, international requirements, influence, achievements, challenges, and comparison between these community mechanisms' structures have affected the realization of community interest and their integration.

Theoretical aspects of CPM are 'relatively new' in this part of South-Eastern Europe, and the theoretical concepts will be firstly explained. An empirical analysis between Kosovo and North Macedonia will follow the following theoretical explanation. The first chapter will explain the concept of community protection mechanisms. Then, an overview of these mechanisms will provide the reasoning behind their original establishment, providing a substantive basis for their functionality. Political scientist Arend Lijphart states that "it is a system of rule in societies divided along ethnic, religious, or cultural lines, which posits the basic idea of managing the differences by providing power guarantees to each significant identity group" (Lijphart, 1977).

At the central level in promoting democracy, a rule and condition were set by the Kosovo and Ahtisaari plan's constitution "out of 120 seats, 20 seats are reserved" (Gazette, 2008), and ten of these seats are for Serbs.

The principle of 'representation' of communities for reserved and guaranteed seats is not applicable in North Macedonia. Conversely to Kosovo's case, representation in North Macedonia's parliament is only secured through voting, and no guarantees are set for community representation in the parliament.

Finally, the ECHR and the international treaties and regional conventions will also be a basis for research, especially those of "United Nations (Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic

Minorities”, International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights). In addition, regional European treaties such as the “European Convention on Human Rights’ and ‘Framework Convention for the Protection of National Minorities” (Europe, 1995) will also serve us in the analysis compared to contrasting similarities and discrepancies between them. They will serve as the basis for comparison and review.

Chapter III Research Methodology

Overall dissertation methodology includes data analysis, surveys, and critical observations through secondary and primary data analysis and archival studies of legislation aiming at comparative analysis of both governance systems. In addition, surveys and questionnaires with two focus groups (institutions and residents) were completed to measure the knowledge of these mechanisms.

Scope of protection, legislation, and fulfillment of CPR in both countries was the comparison objective. To note, CPM and its impact on local governance and cohabitation of communities has mainly been an under-researched topic, and not much data was available. Occasional research and papers have been done, while no proper comparison and analysis of local CPM has been made in comparing the institutional setting in Kosovo and North Macedonia. Data was collected and analyzed to provide conclusive evidence and comparison between the two community protection systems. In contrast, data and variables collected through the surveys were compared without intervention and provided conclusive evidence to compare and contrast institutional settings and changes. Accessible data on the topic mainly justify the chosen approach's reasoning and the attempt to answer the research questions.

In answering the research questions on 'international requirements' set in the comprehensive status proposal for Kosovo and OFA on CPM as means for integration, the institutional Framework of Kosovo and North Macedonia methodology of data research was utilized. Thus, the possible political impact and the CPM integration countries' politics was partially answered by studying the applicable documentation on the matter and partly through the questionnaire undertaken with the targeted respondents (institutions and residents).

Furthermore, the achievements of CPM in impacting the country's stability, peace, and relations between Albanians, Serbs, and Macedonians will be referenced. Furthermore, legal obligations, instruments, successes, or CPM were used to use the hybrid analysis method to ensure that findings depict the situation on the ground. Finally, comparing the community protection mechanism and their competencies in Kosovo and North Macedonia concerning functions, responsibilities, and decision-

making was made by studying both countries' institutional and legal frameworks on community protection. The main arguments are the discrepancies between Kosovo's community mechanisms' successes versus North Macedonia and the resident's perceptions.

3.1 Data collection method

A mixed-method of data collection and analysis was employed in this study. This was done to measure the absolute differences by sampling mechanisms and using the tools for comparison and analysis. The data was collected on surveys by interviewing institutional representatives and residents of two countries and conducting a comparative institutional analysis.

In North Macedonia, forty-nine local self-government units (60.5%) from 80 municipalities were surveyed. In May, 2020, completed questionnaires were sent to a total of 49 local government units. Municipalities that submitted a completed questionnaire with distribution by planning region: Surveyed officials: MA secretaries and members of the CIRC's.

In Kosovo, data analysis was taken from the analysis undertaken by OMIK, "Mechanisms for the Protection and Promotion of Communities' Rights - Information Sheets" (OSCE, 2020). In Kosovo, all municipalities have been surveyed, and respondents interviewed included MA chairpersons, MA secretaries, members of committees, and municipal officials. The second round of questionnaires was done online. Online questionnaires were sent to respondents in Kosovo and North Macedonia; surveys were conducted between June-July 2021. The questions' design was multiple-choice and asked respondents what they had on the community protection mechanism and if they have ever used these mechanisms to promote or address community issues. The members interviewed were selected by randomly choosing community members who provided information and answered questions related to community protection mechanisms.

The survey participants were given three weeks to respond to the study; the survey was done online using Google Forms. In total, in Kosovo and North Macedonia, 223 (111 in Kosovo and 112 in North Macedonia) residents were

surveyed to assess and compare the knowledge, potential engagement, and involvement of residents in the process of community protection. Respondents in Kosovo included Albanian, Serbian, Bosniak, Gorani, Turkish, Roma, Ashkali, and Egyptian ethnicities. The survey was initially designed in English while translated into Albanian, Macedonian, and Serbian. Both genders were also equally represented in this analysis. Five questions were used for surveying purposes, the surveys were completed using Google Forms, and data were analyzed. Publications and sources are referenced, and different authors and institutions initially produce data.

Chapter IV Research Objectives

The thesis research objectives developed to produce a viable outcome and provide a comparative overview and analysis are the following eight:

- I. To present the 'international requirements' set in the Comprehensive Status Proposal for Kosovo and OFA on CPM as tools for integration;
- II. Presenting the achievements of the process of CPM in Kosovo and North Macedonia, relations between Albanians, Serbs, Macedonians, and other communities;
- III. To find out the legal obligation of Kosovo and North Macedonia versus the International Community's role in the process of establishment of CPM as instruments of community integration;
- IV. Possible political impact and the integration that the CPM might have in politics and present establishment of instruments as tools for community integration;
- V. To compare the community protection mechanism and their competencies in Kosovo and North Macedonia concerning functions, responsibilities, and decision-making;
- VI. Present the figures and facts about why CPM has been a success or a failure. To find out what effect had on the CPM local governance;
- VII. The impact of establishing CPM in Kosovo and North Macedonia's Institutional Framework and concluding with the main arguments is that there might be a difference between the two?

Based on the legal framework and mechanisms situational analysis, in terms of community rights and legislation, the following hypotheses were used to evaluate mechanism, institutions, and legislation for this work:

- H1. The CPM have been designed to ensure the communities' rights are respected and their existence is ensured;
- H2. 'CPM are established and functional, benefitting all communities equally; a system exists to monitor the implementation of the provisions set on establishment and functionality;
- H3. The establishment of CPM is in line with the best international practices on safeguarding the rights of communities;
- H4. CPM are designed in line with the Ahtisaari plan in Kosovo and the OFA on Minority Rights Protection Mechanisms (in composition, authority, and decision making)?

Chapter VI Limitation of the study

As in any other study, this research has not been a problem-free experience and study. One of the main limitations of this study was the conceptual terminology used in the study; precisely, defining *CPM* has been a challenging undertaking. This is because the term *Community Protection Mechanism* was not adequately defined in Kosovo or North Macedonia legislation. The three-word name initially had to be explained and elaborated on before any other research was done to elaborate further; the lack of a definition was one limitation.

Secondly, the lack of global literature on community protection was also evident since CPM are a relatively new concept endorsed globally and in states in Western Balkans. In Kosovo, probably due to the International Community's presence and supervised independence in implementing the Ahtisaari Plan, there was plenty of material and findings, and most of these documents could be easily found and referenced in English. Unfortunately, the same cannot be stated in the case of North Macedonia, and material in English and Albanian language was lacking.

Another limitation was the COVID-19 Pandemic; the gathering data method had to be amended due to the government restrictions. The interviews (focus group discussions) had to be amended, questionnaires were sent to respondents, and data were evaluated the distance. Though the quality of the data received has not been an issue, the answers provided were sufficient for research analysis and comparison.

Finally, the lack of resources, studies, and findings on CPM in North Macedonia was evident compared to Kosovo.

Chapter VII CPM– Conceptual and Analytical Overview

In this chapter, the definition of CPM will be explored; this will be done by first exploring the internationally and locally the term and its meaning in social sciences. Then, this chapter intends to define the concepts and their meaning and link the concepts to the local and international requirements. This will be done by researching the term in Kosovo and Macedonia to determine if this word is in the local legislative and institutional framework. After this, the term will be researched internationally by referring to United Nations agencies and European Conventions. Finally, after this is done, the chapter will define the Community Protection Mechanisms, which will equally apply to Kosovo and North Macedonia. This definition will serve us throughout the thesis discussion and elaboration.

While there is no set definition of community protection mechanisms, for dissertation purposes, the term was elaborated on and explained by breaking down the definition word by word and meanings for an explanation. Initially, community, protection, and mechanisms were explained, and definitions were provided in terms and conceptual and analytical positions. After the violent breakup of Yugoslavia, the rights of communities and ethnicities living in these new entities have emerged. These entities, freedoms, and new requirements and obligations for these countries have occurred. With the breakup of the SFRY, countries have become individual members of international organizations such as the UN, OSCE, CoE. By membership in these international organizations, countries had to ratify conventions, and treaties, amend local legislation, and adopt legislation in line with these international treaties due to serious human rights violations in the SFRY and a lack of equality between the federation members.

With the conflicts in Yugoslavia and the violent breakup, North Macedonia and Montenegro are the only federation members that have gained their independence peacefully without violent conflict. Montenegro decided to end its federal status with Serbia in 2006; Kosovo was the only federal entity struggling to detach from a federation already dissolved. While two countries gained their independence, North Macedonia in 1991 and Kosovo de facto in 2008, both have approved constitutions that aspired to equality, non-discrimination, and adherence

to the European Convention of Human Rights. In North Macedonia, the first constitution after the breakup of SFRY did not seem to have accommodated the rights and the needs of the second-largest community living in the country, the Albanians, who were not equally represented seemed to be institutionally discriminated against. After Kosovo's independence, the newly approved constitution ensured communities' rights. Serbia's external influence in asking the local Serb community to boycott the Kosovo institutions has complicated matters in the representation and enjoyment of the rights of Kosovo Serbs. This external influence only complicated things further, as Kosovo Serbs refused to be part of the developments and used their right to veto constitutional changes and developments. Kosovo and North Macedonia have thus struggled to produce inclusive and efficient policies to have communities part of the decision-making that will benefit those target communities and the country's welfare. The conceptual and analytical explanation will be completed by referring to renowned authors, international organizations, and the Cambridge dictionary and constitutional requirements in North Macedonia and Kosovo in explaining the term community protection mechanism.

7.1 Community definition

In line with the dissertation objective, community terms will be defined using the community definition concept's main elements: the element of origin, territory, sentiment, particular social group norms, religion, or ethnic background.

For our analysis, in the case of North Macedonia and Kosovo, we will be referring to the community as “a collection of people who share a common territory and meet their basic physical and social needs through daily interaction with one another” (Johnson, 1986). Cambridge Dictionary defines community as “the people living in one particular area or people who are considered as a unit because of their common interest, social group, or nationality” or a “group of people who have similar interests or who want to achieve something together” (Cambridge),

The UNHCR defines a community as “a group of people that recognizes itself or is recognized by outsiders as sharing common cultural, religious or other social

features, backgrounds and interests, and that forms a collective identity with shared goals” (UNHCR, 2008). In addition, article 27 of the ICCPR refers to communities. It requires from states” that in which ethnic, religious or linguistic minorities exist, persons belonging to these minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their religion, or to use their language” (UN, 1976).

7.2 Protection

Protection of communities' definition is a relatively unclear term in social sciences and not adequately defined, specifically on occasions referring to the ethnic origin of communities. Therefore, initially, the UN and Cambridge Dictionary definitions will be referred to for this study. The Cambridge Dictionary defines protection as “the condition or state of being kept safe from injury, damage, or loss or the act of keeping someone or something safe from injury, damage, or loss, or the state of being protected in this way” (Cambridge).

UNOCHA defines protection as” a concept that encompasses all activities aimed at obtaining full respect for the” (UN, 2003) individual's rights following” the letter and spirit of human rights, refugee and international humanitarian law” (UN, 2003). “Protection involves creating an environment conducive to respect for human beings, preventing and/or alleviating the immediate effects of a specific pattern of abuse, and restoring dignified conditions of life through reparation, restitution, and rehabilitation” (UN, 2003).

The International Committee of the Red Cross defines protection as “all activities aimed at ensuring full respect for the individual's rights following human rights law, international humanitarian law (which applies in situations of armed conflict), and refugee law” (ICRC, 2001).

While, UNHCR, with protection, states that protection has three dimensions protection as” objective, responsibility, protection an activity. In operationalizing protection, around the three elements are interconnected, and protection should be right-based, individuals and communities are active partners in their protection

(community-based approach), and protection promotes full and equal respect for the human right of all individuals without discrimination of any kind” (UNHCR, 2016).

Neither the constitution of Kosovo or Macedonia define the term of community protection explicitly. Simultaneously, both countries refer to protection (equality before the Law and under articles referring to fundamental human rights and freedoms) but do not define what protection in real terms means. Nevertheless, both countries have developed Lex Specialis in addressing these rights to tackle promoting and protecting communities' rights; these laws will be further elaborated below (LPPPCMK, LPPPMC 20%).

7.3 Mechanisms

There are different definitions describing mechanisms in social sciences; more often, mechanisms are seen as ways or manners established by institutions to remedy a particular issue or interest in a matter of societal concern. The Cambridge Dictionary defines the mechanism as” a way of doing something that is planned or part of a system” or” a part of a machine, or a set of parts that work together” (Cambridge).

7.4 United Nations framework on communities' protection

The UNDRPBNERLM endorsed in 1992 sets basic international principles on communities' protection. The UN document demands that in territories and states where communities live, “they possess a set of rights such as culture, religion, language, social, economic, and emphasis at participation and decision-making at local, regional, and central levels” (UN, 1992). Thus, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities can be considered a significant breakthrough in community protection globally. Moreover, it can be considered the first international convention that sets rules on globally binding principles on community protection.

In addition to the UNDRPBNERLM, two additional Covenants promote community and human rights globally. ICCPR and the ICESCR, both ratified in 1976, are the main legally binding instruments of universal application protection and promotion of community and human rights.

7.5 European Treaties/conventions on community protection

ECHR is one main European treaty to “express exception to its focus on civil and political rights, lies in its equality guarantee, which refers to minority protection” (Europe,1995). The ECHR enshrines only the” right of an individual not to be discriminated against as a minority member defined by language, religion, or national origin” (ECHR, 1950). Furthermore, ECHR requires greater unity of members, and the aim is to be pursued by the” maintenance and further realization of human rights and fundamental freedoms” (CoE,1995). Conversely, to the ICCPR, ICESCR, the ECHR sets up a European Commission on “Human Rights and the European Court of Human Rights” (Europe, 1995). These institutions are responsible for monitoring ECHR implementation and will hold member states responsible for human rights violations. In addition, the CoE, FCMN (Europe, 1995), also set the basic principles of protecting and promoting national minorities within its functionality.

Therefore, FCMN can be considered one of the most crucial documents on protecting and promoting communities in Europe. The principles set in the FCMN,

article 15 treaty stipulate that “parties shall create the conditions necessary for effective participation of persons belonging to national minorities in cultural, social and economic life and public affairs, particularly those affecting them” (Europe, 1995).

North Macedonia is a signatory of ICCPR (January 18, 1994), while Kosovo has not signed the ICCPR. However, Kosovo constitution on its article 22 has” pledged the applicability of International Agreements and Instruments, including the ICCPR and its protocols”. (Gazette, 2008). Therefore, for our analysis, these treaties will be used as international legal instruments in defining the rights and responsibilities of institutions in Kosovo and North Macedonia concerning communities and their effective participation in public affairs. Therefore, our analysis will first elaborate on CPM for our research in providing the proper conceptual and analytical framework.

This explanation will provide a conceptual, empirical, and theoretical overview of community protection mechanisms and what it entails, starting with a definition of community protection and what these mechanisms mean in theory and practice. The term community protection mechanism has not been defined clearly and thoroughly; therefore, the concept will be evaluated word by word to properly analyze the notion and its meaning in practice.

7.6 Kosovo Legislation on Community Protection

This section of the chapter will explain and list the Kosovo legislation on community protection, a short historical overview, and a list of the critical legislation on community protection. Kosovo Constitution, approved on April 9, 2008, refers to community protection and rights with a specific chapter. It refers to the “state's responsibilities, community representation in public and local government institutions” (Gazette, 2008). Before the Kosovo Constitution and declaration of independence, the UNMIK produced “a constitutional framework for provisional self-government in Kosovo” (UNMIK, 2003). The framework also refers to communities' rights.

On June 15, 2008, Kosovo approved the LPPRCMK that regulates the community rights, clearly describes the state's responsibilities to communities, and

plainly defines the term communities. The LPPRCMK defines communities as “national, ethnic, cultural, linguistic or religious groups traditionally present in the Republic of Kosovo that is not in the majority” (Official Gazette, 2008). These groups are divided as “Serb, Turkish, Bosnian, Roma, Ashkali, Egyptian, Gorani, and other communities” (Gazette, 2008).

7.7 North Macedonia legislation on community protection

This section of the chapter will explain and list the North Macedonia legislation on community protection, a short historical overview, and a list of the important legislation on community protection. In North Macedonia, the term communities were introduced with the constitutional changes in 2001. Before 2001, instead of ‘communities,’ the term of nationalities (националности) was used in the previous constitution. The constitutional amendments lists “Albanians, Turks, Vlachs, Bosniak, Serbs, and Roma as constitutive parts of the Republic” (Gazette, 2001). The “Law on Promotion and Protection of the Rights of the Members of the Communities, Which Are Less than 20% in the Population in the Republic of Macedonia, stipulates and lists the rights of communities” (Gazette, 2008). However, this law does not mention or lists communities by name; instead, it refers to them with percentage. Constitution of North Macedonia, amendment IX, stipulates that “The Republic guarantees the protection, promotion, and enhancement of Macedonia's historical and artistic heritage and all communities in Macedonia and the treasures of which it is composed, regardless of their legal status” (OSCE, 2001). Further, Article 48 stipulates that Members of “communities have a right to express, foster, and develop their identity and community attributes and use their community symbols” (OSCE, 2001).

The Republic guarantees the protection of all communities' ethnic, cultural, linguistic, and religious identities. “Members of ‘communities have the right to establish institutions for culture, art, science, education, and scholarly and other associations to express, foster, and develop their identity” (OSCE, 2001). LPPPMC, refers to the” for adherence to the fulfilment and promotion, protection of the rights of the members of the communities which are less than 20% in the population in the

Republic of Macedonia and the scrutiny over the enforcement of the provisions” (Gazette 2008).

7.8 The working definition of the Thesis:

In defining the term '*community protection mechanisms*' for this work, we will refer to this three-word term and notion as” *tools, methods, legislation/instruments that Kosovo and North Macedonia use to promote community rights and interests of particular ethnic communities*” (Binaku, 2020).

Chapter VIII Legislative Framework of CPM in Kosovo, North Macedonia

This chapter contains applicable legislation of both countries; it provides a substantive and comparative overview of the general legislative framework. In addition, the thesis section elaborates on both countries' legal frameworks, constitutions, treaties, laws, and agreements on community rights. In Kosovo, this analysis will start with the UNMIK administration, Kosovo Constitution, Ahtisaari Plan, and local and central level legislation on community protection. In North Macedonia, the country's constitution, Ohrid Framework Agreement, and the legislation will be elaborated.

The following subchapters will include more specific information for both countries and the impact of these mechanisms on the structure. Initially, historical institutional developments in Kosovo will be elaborated on, referring to the UNMIK administration and regulations related to community protection. Then, briefly, the structure of the CPM in line with UNMIK regulations will be explained, including the UN's administrative powers in the local governance of Kosovo.

Furthermore, UNMIK regulation 2000/45 and Framework Document for Local Government Document Reform developed in 2004 will guide the analysis. Finally, the institutional reforms in Kosovo after the declaration of Kosovo will be elaborated on, including the principles set by Ahtisaari Proposal and requirements set by the document on conditional independence. In North Macedonia, the constitutional changes and then changes introduced with the endorsement of the OFA will be elaborated, including the laws endorsed aiming at community protection and advancement of community rights.

8.1 Kosovo

The UN Comprehensive Proposal and its implementation, especially the implications and fulfillment of the requirements on community protection mechanisms, are considered the most critical pieces. The part on community protection was so vital for Kosovo's future that it was considered to pave the way and enable the transformation from supervised independence. Kosovo's commitments to reach this statehood aim depended on implementing the community protection legislation and decentralization plan in the UN envoy proposal. Therefore, before discussing the UN envoys' plan on community protection mechanisms, a bit of institutional development and history before the produced plan was touched upon to have a conclusive picture of the process of establishing these mechanisms. In doing so, the UN administration and Kosovo provisional institutions' efforts towards institutional building and communities will be analyzed and elaborated on shortly. Further, before and after the declaration of independence, the processes will be elaborated with Kosovo's institutions' actions to implement the community protection mechanism obligations.

UNMIK administration had approved legislation that enabled Kosovo's provisional institutions (including establishing municipalities consecutively the community, protection mechanism). Kosovo institutions were established due to elections, but there was little community protection and the newly installed system. Kosovo's institutions and municipalities were conditioned to operate by the central level (line ministries) and UNMIK (so-called UN municipal administrator) authorities. The UN administration strictly controlled much of the municipal powers and decisions. According to community protection requirements, the former UNMIK administration could block any local level regulation or initiative if deemed inappropriate or not. The UNMIK regulation 1999/14 these powers were entrusted to the municipal administrator who had the responsibility to "control, discharge or otherwise supervises the functions entrusted to public service and local governments bodies in the respective municipalities and Municipal Administrators may require that those services and bodies seeks his or her prior approval for specific decisions or initiatives" (UNMIK, 1999).

Powers entrusted in the UNMIK regional or municipal administrators limited local governance institutions' functionality, authorizations, and motivation. The act and the regulation required municipalities to have the UNMIK authorities' initial sanctification before even drafting any regulation. The newly established municipalities lacking experience and capacities could not operate correctly under such strict provisions. The UNMIK administrators could have blocked any undertaking by the municipalities. The UN Regulation 2000/45 was not a locally democratic piece of legislation; it was instead an imposed regulation that local authorities had to comply with. Under the UN Secretary-General's authority, these administrators were established in every municipality in Kosovo, strictly controlling institutions' undertakings. This central control practice towards local institutions continued for several years, and many municipalities' complaints were raised. Unfortunately, there was not much to be done, as the UN administrators' power was immense.

Since their first establishment in 2000, Kosovo's institutions have developed their sense of governance. With time passing, Kosovo institutions became more active at voicing their concerns against the strict control and oversight that UNMIK was exercising with institutions, be it a central or local level. Kosovo's institutions and the public started to think and act on its final status. Still, to reach that, a pathway needed to be implemented.

Kosovo's standards and requirements set by the UN Security Council created a blueprint for the community protection mechanism to achieve the objectives before status settlement. The document included the rule of law, dialogue with Serbia, and community-related rights. All this created peace and prosperity for all living in Kosovo, avoiding possible tensions.

The SRSG, Michael Steiner, aimed to stimulate somehow the Serb community to participate in Kosovo's institutional life - this to be reached through decentralization and establishment of community protection mechanisms, ensuring the rights of communities. The Steiner's plan on standards before the status was not functioning correctly; due to the institutional stalemates, March riots in 2004 erupted as a wakeup call for the international community to push forward the decentralization plan and create mechanisms where communities could voice

concerns. As a result of the March riots' turmoil in 2004, UNMIK and Kosovo's institutions created a working group on the local government's newly created body, including multi-institutional bodies from local and international representatives. However, Kosovo institutions could not stimulate the Kosovo Serbs to participate in institutions- Serbs saw their participation in Kosovo's institutional life as an indirect recognition of the state, which undoubtedly complicated matters further.

The Framework Document for Local Government Document Reform laid the foundation of local government reform and decentralization. For the first time in Kosovo's UNMIK history, Kosovo's institutional voice started to be ascertained. This initiative somehow eased the growing tense situation and distrust between PISG and UNMIK. A significant change was also the joint working group that seemed to have a consensus that it was when some competencies should be delegated, and local institutions should be starting to work more independently and without strict oversight. With this plan, the transfer of powers came into sight, especially for the newly established municipalities in security, communities, justice, culture, and education. In addition, the plan aimed to decentralize a larger and more complex issue, that of the interethnic cooperation and reconciliation - because the local Serbs opposed any institution coming or deriving from Pristina in meddling in their local affairs. As the inclusion of the north's communities was also an important step, it was expected that such a plan would eliminate the parallel structures resulting from communities' integration.

Initially, the high resistance was almost impossible since the Serbian institutions supported these parallel structures and their empowerment. Therefore, the aim of the decentralization in Kosovo focused on decentralizing governance and reaching peace and possibly.

In 2008, Kosovo's parliament finally declared Kosovo an independent state after a failed negotiation process and after the failure of the UN administration to offer Kosovo's residents prosperous insight into the future. With the state's declaration, institutions have pledged their strong commitment to "implement the comprehensive proposal" (Ahtisaari, 2007). This undertaking was guaranteed in the main legal framework of the country and taking over obligations stemming from the proposal. Community protection in Kosovo was the most complex matter. As noted

above, before the independence of Kosovo, local institutions were mainly considered passive observers, whereas, with the independence declaration, they became the driving force of the process, something they have not done in the past.

The requirements set in the Ahtisaari plan did not envisage only the approval of the new legislation on communities; it required more than that - it envisaged the creation of the new municipal entities, especially of those in the Serbian majority areas, an issue that was the most complex of all, compared to the approved legislation. With the constitution entering into force, the other laws on the local governance started to be drafted and endorsed, a requirement for further proceeds and obligation fulfillment.

In principle, the "Ahtisaari Proposal allows Kosovo to be an internationally supervised state, but at the same time, the plan included the protection of the Serbian community, decentralization of the country, and a catalogue for the protection of minority right" (Beha, 2011). The plan was that if these elements were met and fulfilled, a supervised state's conditioning would be removed, and Kosovo would become fully independent. In addition, the plan emphasized the community protection mechanism and its implementation, among other critical key provisions and elements of a multi-ethnic country, international status, minority rights and participation, and security.

In the first days of its presentation, the Ahtisaari plan was received well by Kosovo's institutions, Kosovo Albanians, and some communities in the numerical minority. However, the local Serbs living in Kosovo opposed the presented plan as they interpreted that Kosovo would get its independence through this plan.

The international community that sponsored the entire venture, from the talks to the proposal, needed the "safeguards to ensure that the local legislation's commitments would be adequately addressed –such as the community protection mechanisms" (Ahtisaari, 2007). In supervising this significant task, the ICR was introduced, whose responsibility was to "supervise the implementation of the plan and have ultimate authority of its interpretation" (Ahtisaari, 2007). Its authorizations meant that the ICR would have executive powers over the public affairs in Kosovo

Further, the civilian presence in Kosovo was not the only presence that was about to be deployed. EU employed its mission to develop the existing police, courts,

and customs authorities in further developing their capacities and functioning of the rule of law. ICR mandate interprets and oversee the package's implementation on the community protection mechanism plan and its impact on its stability and security. Kosovo's obligations and actions in fulfilling the comprehensive status requirements were necessary for Kosovo to fulfil the conditions to become a fully-fledged republic.

Therefore, the original Ahtisaari Plan envisaged that the municipal powers should be enhanced, different from the situation under which municipalities have acted while UNMIK was in complete control of the country. These powers meant that the Serb community would manage its governance in Kosovo. In return, Kosovo will acquire its statehood through the implementation of these things. The plan foresaw establishing four new municipalities, expanding one existing municipality with the Serbian community majority, and establishing community protection mechanisms. The plan/proposal 'provides a wide-ranging decentralization proposal, which is extensive in scope and intended to promote good governance, transparency, and effectiveness in public service' (UN, 2007).

Even though the plan enhanced the competencies of the newly born municipalities, safeguards were set, especially regarding horizontal cooperation with the Serbian institutions. Those safeguards are placed in Annex III, Article 10.4 of the proposal, which stipulates the following "Kosovo law and be notified to Kosovo's Ministry of Local Government Administration, and if these agreements are in contradiction with Kosovo's legislation, they can be amended, reviewed, or rejected" (Ahtisaari, 2007). Although, as described in the paragraphs above, the plan aimed to provide a solution to Kosovo's Serbian community and provide community rights, it was again not accepted entirely by the Kosovo Serbs. Noteworthy is that there were voices and opposition from the Kosovo Albanian side concerning the enhanced competencies given to these to-be-formed municipalities, which other municipalities did not have before the declaration of independence. Most agree that Kosovo's institutions considerably compromised community rights during the Vienna negotiations process.

Nevertheless, Kosovo pledged and affirmed readiness to implement the plan, and the refusal to accept the new CPM by the local Serbs in Kosovo was mainly

attributed to Serbian Government's influence. This was because the Serb Government conditions the Serbs' financial assistance if they cooperate with Kosovo's institutions to comply with the provisions set by the Ahtisaari plan.

Kosovo's case needs time to be achieved and ensured, and Ahtisaari's plan aimed primarily at that. However, the Ahtisaari plan could not have been completed without its transformation into a legal requirement, meaning that the legislation had to be approved and endorsed by Kosovo's institutions. The applicable legislation approved as a result of the plan and had its most impact on the community rights will be discussed in the following chapter, such as the laws, actions, successes, and failures. The incoming chapter will also discuss the international community's role in these processes.

8.2 North Macedonia

The 'roots' of CPM in North Macedonia are attributed to OFA Agreement. After its endorsement and signatures, several laws have been amended and approved.

North Macedonia declared its independence in 1991. Compared to Kosovo, North Macedonia did not have a conflict in separating from SFRY, and it peacefully broke up with the federation. However, although North Macedonia came out peacefully from the federation, it went through an internal conflict. The internal conflict required a solution, and the solution was the enhancement of the rights of Albanians; the result was several amendments to the constitution, approval of laws, and the OFA. The OFA's principle foundation is established to promote peace and harmony of Macedonia citizens while respecting the ethnic identities of all residents living in North Macedonia. OFA also rejects violence in pursuit of political gains, while the document also encourages 'citizens' participation and promotes community character. Thus, it is intended that the "communities residing in North Macedonia through OFA will reach peace and stability by respecting ethnic communities and their national identity" (OSCE, 2001).

In comparison to Kosovo, the Ahtisaari plan, known formally as the Comprehensive Proposal for the Kosovo Status Settlement, the" main goal of the OFA was to accommodate the grievances of the Albanian community while at the same time address the concerns of the Macedonian majority by preserving the territorial integrity of the unitary state" (Bieber, 2005).

OFA "was a combination of measures designed to favor multi-ethnicity and the integration of ethnic communities (equitable representation in public administration and enterprises, parliamentary and municipal committees on inter-ethnic relations)" (Ragaru, 2008). Conversely, the Ahtisaari plan included a wide range of provisions that had to be undertaken, including constitutional changes, rights of communities, decentralization, justice, national security, and the presence such as the European Union and KFOR.

The OFA principles were foreseen, which are relevant to this section envisage, among other matters, the focus of" non-discrimination and equitable

representation, consensus making, or the so-called 'Badinter Rule' requiring for the double majority; decentralization; and the disputed use of languages" (OSCE, 2001). The OFA principles regarding the issues related to "non-discrimination and equitable representation, use of languages, local government development, and double majority through amendment changes are an integral part of the Republic of Macedonia's Constitution" (OSCE, 2001).

OFA aims at the "multi-ethnic nature of society, strives for improvements in public life and local government reform, aiming to encourage citizen participation in public life through the new mechanism and legislation introduction" (OSCE, 2001). The following community protection principles have also been introduced in promoting and protecting community rights:

- Introduction of the double majority principle in the Parliament when voting on laws that directly affect culture, use of language, education, personal documentation, and use of symbols, as well as on laws about decentralization" (OSCE, 2001).
- It strengthens the Ombudsman's role, responsible for giving "particular attention to safeguarding the principles of non-discrimination and equitable representation of communities in public bodies at all levels and in other areas of public life" (OSCE, 2001).

Finally, CIRC was obligatory for municipalities with 20% of non-majority. Keeping in mind fragile institutional capacities of Kosovo, it meant not only that laws should have been endorsed, but a deadline of 120 days was set as a requirement for drafting and initiating their implementation. This burdened Kosovo's institutions, as a proper analysis was not done regarding the possible success. Moreover, the plan was highly ambitious and might have affected the project's failure to establish a community protection mechanism north of Kosovo.

The significant change and impact that the local self-governance in Kosovo had concerning the legislation were attributed as challenges in this matter were enormous and complex to address. Comprehensive Further, the Ahtisaari plans' third annex was decentralization, which "refers explicitly to the communities' rights and

accounts for their concerns and needs. It envisages 'methods for the motivation of public life' (Ahtisaari, 2007).

It states: "Kosovo will consist of municipalities with a high degree of local self-government and encourage and ensure active participation of all citizens' in democratic life" (Gazette, 2008).

The primary level legislation- Law on the Finances of the Local Governance, approved in 2008, determines the spending categories and staff ceilings to be respected by the municipalities- thus, these restrictions limit the municipalities from tailoring their budgets. However, the limitations set by the Law on the Local Finances have also contributed to the municipalities' willingness to collect local revenues such as property tax and other taxes that could have been used to boost municipalities' economic development.

Municipalities in Kosovo cannot utilize funds they collect as they wish to, thus demotivating them from taking action to boost economic growth. An impact also contributed to the fact that municipalities were not as active as they should have been guaranteed a budget based on a formula (population and territory size). The Ministry of Finance and Economics required efforts, as creating and establishing new entities required a budget that was not appropriately planned in the midterm planning; thus, this constituted another budgetary challenge. The approved Law on Local Government finance primarily "aimed at strengthening and the functionality of the newly created municipalities and fulfilling their obligation needs such as service delivery and public investments in respective municipalities and establishing an effective municipal administration" (Gazette, 2008). UNMIK's much-centralized control system's existing local capacities planning systems and collection of own revenues were vague and characterized.

Municipalities had no capacities whatsoever in the management of public affairs, and this was a challenge that had to be dealt with by local and central level institutions. The Law on Local Finances foresaw that the central level grants to the municipalities should be allocated based on a formula of territory and population, the part of the municipalities since the last census in 1981 did not change much, but the population/demography did. Thus, out of this system and law, only a few municipalities in Kosovo had benefited from the system. In contrast, many of those

had lost since the population numbers changed drastically, especially in Kosovo's capital, when there were enormous demographic changes after the war. However, the central level formula for allocating the general grant for the money was still based on the census of the year 1981. Thus, the amendments in the laws required a mobilization of the central-level institutions to tackle the new distribution of funds and the new formula for the grant allocation and make this successful. A new census had to be organized. If this were applied, municipalities would have the powers and authority to tailor their expenditures and needs according to their wishes and local preferences. This act and development would also empower the institutions and contribute to community acceptance and legitimacy.

The establishment of municipalities faced another challenge, as these municipalities consisted of Kosovo Serb community. If the local community saw no benefit from the process, the decentralization's opposition would increase and possibly fail due to resistance and opposition. The central problem was motivating majority and minority communities to accept the decentralization. As the Ahtisaari plan provided them with “the right to express, maintain and develop their language and culture; receive pre-school, primary and secondary public education in their language; establish and maintain their private schools (with public financing); display community symbols, and have their media” (Ahtisaari, 2007). The process's objective and the requirement were to approve such legislation to create and set up new municipalities. The involvement of the minority population at the new municipalities was an objective in itself. Reaching this aim required the legislation's approval and the line ministries' mobilization, but the prime responsibility was the Ministry of Local Governance Administration. The coordination and cooperation in establishing new municipalities were a significant challenge to be tackled by Kosovo's institutions (as many stakeholders were part of the process and wanted their inputs on these laws).

Further, the rules' approval was, in principle, an undertaking that went smoothly, having in mind the instructions and pathway laid in the Ahtisaari proposal.

The creation of the new municipalities meant that these institutions had to be accepted by the Serbian community, who would have to participate in elections and municipal administration; otherwise, the process itself would not be democratic

and would not fulfill its aims. The operation affected the Kosovo Serbian community and the Kosovo Albanians. After the new municipal boundaries are drawn, some of their lands will be divided and subject to the taxation of two municipalities. As a result, Self-Determination Movement stated that "decentralization does not serve the purpose of true independence" (Tahiri, 2009).

Awareness and an informative campaign were initiated to inform the inhabitants of these newly established municipalities of the benefits that decentralization brings- for some inhabitants, this was an achievement. However, the campaign members of communities un-consulted did not reach a success story. The movement also, through its activist, organized a petition against the process.

In the Kosovo case, decentralization still up to date remains a challenge for some municipalities.

Although existing municipalities were operating for several years, Kosovo's overall situation was not as everyone would wish to be. However, a critical point in decentralization and setting up new entities was the training and capacity building that needed to be addressed as foreseen with the Ahtisaari plan. The physical and technical components of these new municipalities also had to be considered as many of these new municipalities have not had proper administration buildings, and some have also leased properties for the municipal administration. Municipal boundaries were also a concern raised by many mayors, as they rightly noted that some inhabitants would have to travel more to receive the public services than before (in cases when some municipalities lost territory). Municipalities questioned if the decentralization in Kosovo served its purpose of bringing the services closer to citizens or was done with territorial and ethnic division rather than rationality.

Unfortunately, Kosovo's institutions lack legitimacy and capacity, especially in northern municipalities. In contrast, the situation in the southern municipalities is somehow different from the north's position, as Kosovo Serbs in the south of Kosovo are more cooperative and accept Kosovo's institutions and the process of decentralization. Therefore, in theory, establishing new municipalities and institutions was not as problematic as it sounded but with limited capacities, this proved to be a challenge.

Democratic and representative bodies in these new entities were also a challenge that would be impossible without law approval on local elections. To have legitimate and representing bodies elected, the element of voting is a primary tenant of democracy for fair and balanced representation. Therefore, rules of how people will elect their representatives and vote had to be drawn. As a result, those rules will automatically determine the seats and democratic representation. Before the declaration of independence, several rounds of elections were held in Kosovo organized by the Central Election Commission (CEC); mainly, these elections were considered fair and democratic.

The current election system for the local election is based on the principle of the available list of candidates and political parties, and the newly established municipalities had to adjust to the election rules, train staff, and also deal with the refusal of the local inhabitants (mainly Kosovo Serbs) in participating in the elections. The municipalities created due to the decentralization process had participated in the previous rounds of elections. Still, they did not organize these elections; the 'mother municipalities' were responsible. A worrying trend was that in newly established municipalities, the voter turnout was meager, and the mayors and municipal assembly members were elected with only a few hundred votes- bringing into question the legitimacy and meaningfulness of democracy. This was not the case, considering the turnout in the elections. Kosovo's path of decentralization was also much characterized by political decentralization rather than rational decentralization, which was also reflected in the creation of the CPM.

Table 1: Legislative framework Kosovo/North Macedonia

Legislation framework on CPM in Kosovo	Legislation and institutional framework on CPM North Macedonia
1. Constitution of Kosovo	1. Constitution of North Macedonia
2. Law on Language	2. LO
3. LPPRCMK	3. LLSG
4. The Anti-Discrimination Law	4. LPPRMCRM
5. LEM	5. LCRC
6. LCS	
7. LLE	
8. LGE	
9. LE	
10. LRTK	
11. LCH	
12. LESPZ	
13. LLSG	

Chapter IX Institutional Framework on CPM

Legislative and institutional framework of Kosovo's CPM is found in the CPSS. The legislative and institutional requirements set with the Ahtisaari proposals were a significant challenge Kosovo faced after declaring independence, a condition Kosovo had to achieve before eliminating Kosovo's international supervision of its statehood. During facilitated negotiation between Kosovo and Serbia, CPM's legal and institutional framework has been a long-standing issue. As emphasized in the previous chapter, the situation Kosovo encountered was to fill the legal gap and amend the existing legislation on community rights and local self-governance, mainly deriving from UN administration. Changes intended that respective laws on LSG, LF, municipal boundaries, and LS had to be approved/amended, and implemented. As a result of these legislative changes, other important documents had to be drafted, including the Constitution of the country and the subsequent legislation (strategies, financial plans, timelines). This did not only entail changes in legislation, but it also meant creating new CPM and entities. UNMIK regulations on community rights had to be analyzed, while the law on local self-governance and local finances in community rights were also changed. The line ministries' involvement and other institutions (international organizations and foreign offices in Kosovo) greatly impacted the process.

The establishment of the new CPM and resistance from the local population will be of the focus, as this element hugely affected those entities' legitimacy, especially in areas where the Kosovo Serb minority resided. The legislation (UNMIK regulations) in Kosovo about governance was not as clear before the declaration of independence, as UNMIK was in charge. Its aim was mainly to maintain the status quo and security than institutional and democratic development.

As mentioned, the UNMIK authority situation was a robust centralized system rather than a decentralized form of governance, giving the local level significantly constrained access to security and public safety governance. In practice and theory, this was precisely the case with UNMIK rule, as they had no intention and approval to share the country's governance, and this approach made Kosovo's

institutions fragile and dependent. The acceptance of the laws and, initially, the UNMIK regulations should not have aimed only at creating the entities; they should have promoted human rights, security, democracy, and service provision. However, this legal entity was not carefully thought out when UNMIK drafted plans and regulations and when Kosovo's institutions took charge.

The CPM aims to devolve and share powers in addressing local security and safety issues dealt of the central level institutions into local institutions; this way, the local empowerment would also be promoted, and local institutions should be ready and capable of undertaking tasks and responsibilities. By default, this could be only done if the central level ministries allow, the need exists, the community accepts it, and there is enough legal infrastructure in place. The laws that were required to be endorsed and implemented to make community protection mechanisms and community rights compliant with the Ahtisaari plan introduced a package of laws necessary.

The package of the introduced laws aimed to improve the existing legal infrastructure and further enhance communities. The Kosovo constitution also provides rights on issues; thus, 'it states that Kosovo's official languages are Albanian and Serbian. In addition to the constitutional guarantees of equality and language use, Kosovo's constitution devotes one complete chapter on communities and their members' rights. The laws approved to extend their scope on community representation issues in public affairs, through posts that are 'guaranteed' for communities, ensuring representation and integration. The law that interests us the most in developing the argument is LLSG, as this law envisages establishing a few mechanisms for protecting and promoting community rights in Kosovo.

Kosovo Institutional Central Framework on Community Protection Mechanisms CPM

9.1 CCC

CCC at the President's office “is a community protection mechanism whose establishment is assured by the constitution of Kosovo article 60” (Gazette, 2008). Furthermore, the Law regulates the CCC's representation on the LPPRCM, article 12, which stipulates “that the CC shall assist in articulating communities' views and ensuring representative organizations' functioning before the institutions of Kosovo” (Gazette, 2008). This forum shall also provide discussions of “consultation and coordination and ensure that communities can participate early in legislative or policy initiatives that the Government or the Assembly may prepare” (Gazette, 2008). The CCC composition mirrors all communities in Kosovo.

9.2 Ombudsperson Institution

For the first time in Kosovo's after-war history in 2000, the Ombudsperson Institution was created. Initially, the UNMIK administration produced a Regulation 2006/06 that provided the OIK staffing structure concerning the organizational structure. However, after declaring Kosovo's independence, “Kosovo's constitution was drafted and adopted, and OIK was established as an independent institution. Kosovo constitution provides the competencies and duties it carries in fulfilling its role as a human rights mechanism” (Gazette, 2008).

9.3 Ministry for Communities and Return

The Kosovo institutions have established a Ministry of Communities and Return to provide specific communities' rights at the central level. This ministry was responsible for dealing specifically with displaced persons' returns.

9.4 Language Commissioner

Kosovo established the Language Commission's Institution in 2012. Its main tasks and responsibilities included monitoring and evaluating compliance and respecting the institution's LUL. In addition, to the rights of communities when referring to languages, the Constitution of Kosovo regulates the use of official languages.

Further, Kosovo established Language Policy Board (LPB), 'which further aims to enhance Kosovo's language. At the same time, the LPB aims to implement the language policy better.

9.5 Committee on Human Rights, Petition and Anti-discrimination (CHRPAD)

The CHRPAD is one of the Kosovo Assembly's committees mandated by the Assembly. Committee duties include the role of formulating and monitoring laws and comprises the members of parliament.

9.6 North Macedonia Central Institutional Framework on Community Protection Mechanisms

This section of the dissertation will provide an overview of community protection mechanisms' legislation and institutional framework, including duties, responsibilities, and obligations. With the approval of the OFA, constitutional amendments, a set of institutions, and rules have been endorsed to protect community-related obligations in North Macedonia. The approved laws LLSG, LUFC in North Macedonia Constitution, LPPRMC have enabled the creation of an institutional community protection mechanism structure. The main level institutional framework of CPM includes Agency for Community Rights Realisation, Ombudsman, CIRC.

9.7 Agency for Community Rights Realisation

Centrally, the "Agency for community rights realization (ACCR) was established with the Law on Promoting and Protecting the Rights of the Members of the Communities less than 20% of the Republic of North Macedonia, adopted on July

17, 2008” (Gazette, 2008). The main “objective of the Agency for community rights realization is to enable greater integration of the members of the communities, which are equal citizens of the country, in all spheres of social life and at the same time preserve their ethnic and cultural characteristics” (Gazette, 2008). The” Agency reconciles its work with the work of the Secretariat for implementation of the Framework Agreement, the Directorate for development and promotion of education for the languages of the communities (an entity within the Ministry of Education and Science), and the Directorate for affirmation and promotion of the culture of the members of the communities in the Republic of North Macedonia (an entity within the Ministry of Culture)” (Gazette, 2008).

The Agency monitors the execution and “implementation of the activities related to the community members' position, rights, obligations, and development opportunities. Furthermore, the agency cooperates with non-governmental and other organizations that promote the rights of the members of communities and the municipalities” (Gazette, 2008). By “expressing their own opinion and suggestions, the Agency” (Gazette, 2008) resolves the issues related to achieving community members' rights.

The rights regulated by the Agency for community rights realization are: “being entitled to an education in their mother tongue, right to protect their cultural identity, right to form associations, right to employment” (Gazette, 2008). That “leads to the necessity of understanding the actual value of human and community rights. The Agency for community rights realization officially started working on November 25, 2009, almost nine years after the endorsement of the OFA agreement” (Gazette, 2008).

9.8 Ombudsman North Macedonia

The Ombudsman in North Macedonia is a constitutional requirement. Its establishment is ensured by the Constitution of North Macedonia article 88. It is mandated to protect the rights of communities. The duties of the Ombudsman also include “safeguarding the principles of non-discrimination and equitable representation of communities in public bodies at all levels and in other areas of public life’ (Gazette, 2008). According to the institutional requirements and

legislation, 'the Ombudsman is a particular, independent body, for protecting rights, and is not a state prosecutor inspection organ' (Gazette, 2008).

The Ombudsman's 'method and manner consist of giving proposals, advice, suggestions, cooperation, hearing citizens' abilities, and acting timely to realize citizens' rights.

9.9 AFRC

Provisions set on the LPPRMCPRM enable the Agency's creation and functioning to fulfill communities' rights. The Agency was established in 2009 and is responsible "for the implementation of this law and scrutinizing the implementation of the laws that determine members of communities' rights" (Gazette, 2008). The Agency for community rights realization's main objective "is to enable greater integration of the members of the communities, which are equal citizens of the country, in all spheres of social life and at the same time preserving their ethnic and cultural characteristics" (Gazette, 2008).

The Agency reconciles its "work with the work of the Secretariat for implementation of the Framework Agreement, the Directorate for development and promotion of education for the languages of the communities (an entity within the Ministry of Education and Science), and the Directorate for affirmation and promotion of the culture of the members of the communities in the Republic of North Macedonia" (Gazette, 2008). The Agency "monitors the execution and implementation of the activities related to the community members' position, rights, obligations, and development opportunities" (Gazette, 2008).

"The rights regulated by the Agency for Community Rights Realization are: being entitled to an "education in their mother tongue, right to protect their cultural identity, right to form associations, right to employment." (Gazette, 2008).

9.10 Inter-Community Relations Committee

"The Inter-Community Relations Committee is a standing body of the Assembly of the Republic of Macedonia" (Gazette, 2007). Its duties derive from the Republic of Macedonia's Constitution, specifically from Amendment XII. According to

this amendment, the” Committee is elected by the Assembly of the Republic of Macedonia. It consists of seven MPs from Albanian and Macedonian communities and one MP from the Turkish, Vlach, Roma, Serbian, and Bosnian ethnic communities” (Gazette, 2007).

If there is no” representative from some communities, the Ombudsman proposes other Committee members in consultation with the relevant representatives from those communities” (Gazette, 2007).

Based on the above-mentioned constitutional amendment, in 2002, a Decision was “adopted for Setting Up an Inter-Community Relations Committee, and in the year 2007, the Law on Inter-Community Relations Committee” (Gazette, 2007).

The basic competence of the Committee includes “examining the issues relating to inter-community relations and giving proposals for their solution” (Gazette, 2007).

The “Assembly is obliged to consider the opinions and proposals of the Committee and make relevant decisions. Relevant for the competence and obligations of the Committee (for more information, see the attached law) is the X Constitutional Amendment replacing Article 69 of the Constitution of the Republic of Macedonia, which regulates the voting procedure, i.e., introduces the famous ‘Badinter Principle’ in the adoption of laws that directly concern the rights of national communities” (Gazette, 2010). Thus, the law indicates the principal's laws” and regulates the Badinter Rule` and the voting procedure” (Gazette, 2010).

With its work so far, “the Inter-Community Relations Committee has established itself as a body with an important role and responsibility” (Gazette, 2010). in implementing the general and special rights of the members of the national communities. In that way, it has played a vital role in developing ‘the multicultural and multi-ethnic dimension of the Macedonian society, true harmony among all citizens, thus strengthening the overall parliamentary democracy in the Republic of Macedonia” (Official Gazette, 2010).

These Committees ‘are responsible for conducting dialogue as the first response to escalating tensions.

Table 2: Kosovo- North Macedonia, Community Protection Institutions Comparison

Kosovo	North Macedonia
1. Double minority vote (constitutional changes)	1. Double minority vote
2. CCC at the Presidents office	2. OI
3. OI	3. AFRC
4. MCR	4.CICR
5. LC	5.CIRC
6. CHRPA	
7. HRUM	

Chapter X Ahtisaari Plan, Local Level Institutions

This chapter will contain information and an analytical overview of CPM in both countries, evaluating the impact, successes, and challenges of the process on the peace of security and cohabitation among communities in both countries. In addition, this chapter will contain information on the facts and political actors involved and why there were few successes and challenges in a few instances. Finally, the political implications and the foreign influence on the community protection mechanism will be touched upon as to what made the process a success in Kosovo's potentially and what made it a failure in North Macedonia.

The section will also touch on Kosovo and North Macedonia's obligations and actions to fulfill the requirements set in the comprehensive status proposal and Ohrid Framework Agreement. The achievement and progress achieved in establishing CPM in the municipalities where Kosovo Albanian live compared to municipalities with the Kosovo Serb majority community. The successes and failures in these community protection mechanisms' establishment and functionality can be directly attributed to Serbia's political Kosovo Serb community. Serbian-funded parallel structures, Kosovo's endeavors and international community actions in the process, political impact, and why there was so much difference in the south versus northern municipalities' achievements will be touched on.

Serbs living in the north is strongly supported and empowered by the parallel institutions they have created with Serbian institutions' support. Serbs did not see the opposition to Kosovo's process as a rational process of devolving powers and authorizations from the central to the local level rather than an instrument through which Kosovo aims to legitimize statehood. Kosovo Serbs were even more abstinent towards the process. Kosovo Serbs living in the north reject any form of community protection and decentralization of powers if connected with Kosovo's institutions and its status, whereas Kosovo institutions are also unwilling to provide more than already promised to them by the Ahtisaari plan. Most Kosovo Albanians consider a significant concession made for statehood, international recognition, and support.

One of the many reasons the process of state consolidation and control was unsuccessful is parallel structures. Communities living in the north did not correctly inform and consult the Serb's benefits deriving from CPM.

One of the factors that might have negatively impacted the process is that the Serbian government in the last two decades has spent in Kosovo maintaining its presence in Kosovo. This was through financing the parallel structures; up to date; there are no official figures on how much was spent in Kosovo. In recent light of the global economic crisis and recession, Serbia was not left unaffected, and the parallel structures were considered the main obstructers of the process. Thus, the global economic crisis did not make Serbia a less important player in the north; it slightly weakened its position. The interests of Serbs living in Kosovo are diverse; thus, these interests have also impacted the process of community protection mechanisms for many Kosovo Serbs living in the south of Kosovo. While Kosovo Serbs living in the north have actively proclaimed that they want to partition Kosovo, these voices were raised even in the Serbian government's official statements. To these statements, Kosovo's government answered that the partition was unrealistic and there was a solution for the northern part, rather than the Ahtisaari plan, which up to date did not entirely function primarily in the north part of the country as a result of the parallel structures and foreign political influence.

The success of the CPM and the implementation of the laws in the sphere of rights, indirectly were affected the political developments. Achievements in the country's north and Kosovo's status hinder Kosovo's pathway toward accession in the European Union. The main obstacle to the process and implementation of the laws affecting communities, without doubt, came from the Serbian parallel institutions and also from the call to locally boycott the process and institutions again the opposition seemed to be stronger from the north, whereas the southern municipalities were somehow being prepared for the process and decentralization itself. The Ahtisaari plan was challenged by Serbs living in the north. It was also challenged by the ability of Kosovo's institutions to mobilize human and financial resources and institutional cooperation. Without any doubt, the biggest challenge in the process was the reluctance of the community living in the North to accept the plan, paired with constant calls and pressure from Serbia proper to boycott the

process and institutions of Kosovo. The Serbs the north were also favoured on by the natural borders (Iber river), and as such, they had not been surrounded by the ethnic Albanian, whereas the difference between the Kosovo Serbs living in the south was that they this natural boundary.

One factor that contributed to the lack of success in the north was the fact that Kosovo's institutions were not largely present in the north of the country, thus leaving space for the action of the parallel institutions and the inhabitants living in that part of the country had to rely on someone concerning the service provision.

The plan also foresaw establishing methods for the protection of communities and institutions. Largely, it can be stated that the participation in the process as planned by Kosovo's institutions and the Ahtisaari blueprint had the most success in the country's south. Up to date, Kosovo Serbs and newly established municipalities created due to the decentralization plan face problems with the local community acceptance, threatening them with funds cut if they continue to participate in the institutional life of Kosovo.

In light of these developments, the trust of the communities in the process was diminished. It also negatively impacted the public opinion towards the benefits of the process, especially in the north of the country. To the call of a boycott by the Serbian government, the MLGA and the international community response present in Kosovo organized informative campaigns regarding the benefits of the Ahtisaari process. Despite these efforts, the campaign had minimal impact, at least in the country's north. One of the reasons why the implementation of the Ahtisaari in the south was, to a certain point, more successful was that municipalities of the north of Kosovo had existed before the Ahtisaari plan. Compared to the newly established municipalities elsewhere in Kosovo, these entities already had the existing institutional memory and capacities compared to the newly established ones.

The recently selected municipalities lacked capacities, human resources, political support, local community acceptance, and good public administration experience. The opposition from the northern municipalities on integration into the system might also be seen as a pragmatic and rational stance. Sides also finance these entities, Kosovo and Serbian governments, very little transparency and control was imposed on them. Serbian government flooded funds in this and other areas of

Kosovo without really checking on what the money was being spent, as the main aim was to keep the parallel institutions alive and functioning – who was then by default the main obstructers. Logically and very understandable, these institutions and people working in the parallel structures would do anything possible to receive double salaries and funds from Kosovo and Serbia's governments properly. Kosovo Serb officials in the northern, and southern Kosovo municipalities still up to date receive double salaries and incentives from both governments; interesting enough, when it comes to wages and benefits for the Kosovo state, Kosovo Serbs do not complain about it. Establishing the rule of law and functional institutions would not be in their interest.

The parallel institutions' impact on the decentralization and establishment of proper functioning central or local government institutions over the years was immense and without any doubt. Accompanied with the recent economic crisis, European Union representatives have criticized the Serbian stance towards the parallel institutions and set a condition that it must disband its parallel structures in Kosovo before Serbia can become a candidate country. Kosovo's institutions also had invested and allocated funds for the operational matters of these parallel structures. Through this, decentralization could be achieved, and these institutions will be getting incentives if they cooperate and participate. However, all this investment came from Kosovo institutions in light of the current global economic crisis, there are chances that the assistance from Serbia would decrease, thus automatically influencing the functionality of these structures, and as a result, to function correctly, these institutions would have to look towards the government of Kosovo for funding if they wish to exist.

The only requirement that Kosovo's institutions set is that these municipalities would obey and implement the rules and laws applicable in the south, an undertaking that currently is seen as hard to reach without the consent and the blessing of the Serbian government. As a result of the steps taken by Kosovo institutions, the community protection mechanisms/institutional frameworks of CPM have been established below. Local CPM established are based on the strategic documents that have been drafted to address community safety and security. The

Republic of Kosovo has approved the following strategic documents that have enabled CPM at the local level.

Table 3: Local level mechanisms- Kosovo and North Macedonia

Kosovo	North Macedonia
1. Municipal Offices for Communities and Return	1. CIRC
2. CC	
3. DMC	
4. MCSC	
5. DCMAC	
6. Municipal Working Group on Returns	
7. Local Public Safety Councils	
8. Municipal Human Rights Units	
9. MWGR	
10. MRC	

Chapter XI Local CPM - Kosovo

11.1 MCSC

MCSC at the local community protection mechanism is set at a local level to facilitate, improve, discuss, and provide recommendations for security relations of communities residing in a specific municipality. For the first time, the MCSC in Kosovo was introduced in the municipal structure only in 2009, just after Kosovo declared independence. The system was envisaged to be established in all Kosovo municipalities. MCSC establishment is based MLGA Administrative Instruction. The structure “and membership of the MCSC are also regulated, and its membership ranges from municipal officials, Kosovo Police, religious leaders, political representatives, and civil society and community representatives” (Gazette, 2008).

The MA establishes MCSC; the mandate of the MCSC is four years and is in line with the appointment of a member’s MA after local elections, while the Administrative Instruction regulates its composition. The composition of the MCSC is the following: chief of police, religious leaders, chairperson of CC, a municipal official for gender equality, and municipal director of education.

According to “Article 4 of the Administrative Instruction No. 27/2012, MIA and Administrative Instruction No. 03/2012 MLGA for MCSC, all communities living in that town are to be represented in this structure” (Gazette, 2008). The establishment procedure of MCSC is regulated by AIs No.27 / 2012 MIA - 03/2012 MLGA, articles 9, paragraph 1.1, and article 10, paragraph. After its establishment, the primary duties of the MCSC are preparing the annual work plan, identifying issues and recommending action plans to remedy those, and cooperating with local police and central level institutions in addressing public safety and security issues. Duties of MCSC also include potential collaboration with neighboring municipalities, and requesting MAs financing protection safety initiatives (such as installing CCTV cameras, lectures, and outreach visits). In addition, MCSC calls central-level institutions in their respective meetings to discuss public safety matters, request KP

to take action on incidents occurring in their municipality, and issue condemnation statements on incidents occurring in their territory affecting communities in a numerical minority.

As stated above, MCSC's primary role is to identify community safety issues and take a coordinated multi-agency approach to cooperation between institutions in finding solutions to security concerns that residents of that municipality have. According to applied legislation, the minimum of MCSC meetings per year should be 'six, while the maximum number of meetings are not limited. The MCSC meeting minutes should also be available to MA members, and a copy should be forwarded to MIA and MLGA. MSCS is also obliged to provide that to MA at least twice a year on implementing the annual work plan. Besides, the mayor and the MCSC coordinator must review the yearly work plan twice a year. Simultaneously, the evaluation of the yearly work implementation plan is also done twice a year. While MIA and MGLA exercise the external monitoring of the work of the MCSC and participate in tracking the work; besides, these ministries can require additional information on their plan's functioning and request meeting minutes.

11.2 CCs

The main document and legal infrastructure that regulates the functioning and establishment of the CC derives from the Ahtisaari plan, notably LLSG. "Compared to the MCSC structure that did not exist during the interim UNMIK administration, CC structures existed in Kosovo's municipalities during the UNMIK administration. The existence of the CC was administered by the UNMIK Regulation 2000/45 on the Self-Government of Municipalities in Kosovo" (Gazette, 2008). CC duties, responsibilities, and "procedures further have been explained by the UNMIK Administrative Instruction 2003/02 on Procedural Guidance for the Work of the Municipal Community Committees issued on 15 September 2003. To note, according to the applicable legislation, every municipality in Kosovo shall have two standing/mandatory committees, the PFC and the CC (Article 51. Permanent Committees, Law on Local Self-Government)" (Gazette, 2008).

According to the OSCE, CCs comprises of” representatives of communities living in the municipality and municipal assembly members. All communities residing in a given municipality must have at least one representative in the CCs” (OSCE, 2019).

The articles mentioned above stipulate that CC shall include MA members and community members in its forum, while most CC members should be from communities in a numerical minority. Among other duties, CC is also mandated to review the MA's acts in line with the applicable law; CC can and is required with the proposed provision to the MA on issues concerning proposals or requests on communities' interest in a numerical minority. Rules of operations of the CC, by the MLGA on 04/09/2012, provide for composition and the selection, duties, responsibilities, meetings, code of conduct, and dismissal of its members.

11.3 DMC

Essential documents regulating the post of DMC (DMC) as a local protection mechanism and its mandate are set and specified on the LLSG. The election and the dismissal of the DMC is done using the same procedure as “its appointment. Article 5 of the AI specifies the DMC's duties and responsibilities, among which specify that the DMC shall assist the mayor of a municipality in carrying his/her duties)” (Gazette, 2008). DMC also supports requests of minority communities before municipal authorities and shall be appointed among from the biggest community. The” mandate of the DMC is also the same as the mayor's mandate in the municipality (unless the mayor is replaced or dismissed)” (OSCE, 2020).

11.4 DCMAC

The Constitution regulates the DCMAC position. This position entails “fostering inter-community dialogue, promoting communities’ engagement in the work of the municipality, and is reserved for non-majority communities” (Gazette, 2008). The DCMAC also cooperates with mayor, DMC, MOCR, and CC in “tackling issues and addressing them through dialogue and communication facilitation between institutions and residents” (Gazette, 2008).

11.5 MOCR

The local CPM in both countries differ in their duties and obligations and their existence. Eleven CPM are established and functional in Kosovo at the local level. Kosovo's mechanisms are mainly mandated with the applicable LLSG and subsequent administrative instructions from the same or other related laws. The community protection mechanism in Kosovo is well enshrined in the local governance structures. It is legally mandated to lobby, advise, propose initiatives, and issue condemnation statements when security incidents occur and affect communities' rights. The applied legislation also ensures that representation in these forums is guaranteed to be filled with local communities, meaning that residents of that specific municipality provide community representation. The applied legislation also ensures that communities in the numerical minority are represented in municipal assembly structures.

This is provided through direct democracy when political parties of communities attend local elections and win a seat in the municipal assembly. Also, even when 'no seats' are won at the municipal assembly by communities in the numerical minority, the applied laws represent communities' protection mechanisms.

In North Macedonia, legal and institutional infrastructure of community protection mechanisms differs immensely from Kosovo. In North Macedonia, the institution mandated with protecting and promoting rights is the Inter-Community Relations Committee. The Framework Agreement and subsequent legislation have established the Committee, and this is only for municipalities where communities have a population of more than 20%, and this is not the convenient approach. The approach taken by the Kosovo institutions should be replicated in North Macedonia.

Like Kosovo's local community mechanisms, the mandate is rooted in the OFA, focusing on inter-ethnic issues. It is linked and designed to be incorporated into the local governance structure. The objective of the article and provision was twofold. Initially, it aims to promote a more effective decentralized form of government and

seek to include communities in public life and matters. The Constitution of North Macedonia also refers to its articles on the committee and sets rules and principles on the functionality and membership.

Overview of the findings of Local CPM in Kosovo Findings CC 2015-2019. Kosovo's CPM has been a difficult task for local institutions and international organizations. Initially, the CPM was created and functional as per the UNMIK Regulation 2000/45 and their subsequent administrative instructions regulating their functioning. For this study's purpose, our analysis will mainly concentrate on post-Kosovo independence CPM and their functioning as of 2015-2020. The research will establish and function gender representation, underrepresented communities, and access to adequate resources. The performance will also be assessed based on the mechanisms undertaking substantive duties. Initially, the CC (CC) will be evaluated based on the provided criteria:

The legal infrastructure that regulates the functioning and establishment of the CC derives from the Ahtisaari plan, notably, LLSG

Furthermore, the" information sheets provide information that in the 38 municipalities, 87% have met regularly. In contrast, only 13% of these committees have not fulfilled the Terms of References requirements (Art.9.1), stipulating that they should meet at least once a month" (OSCE, 2015).

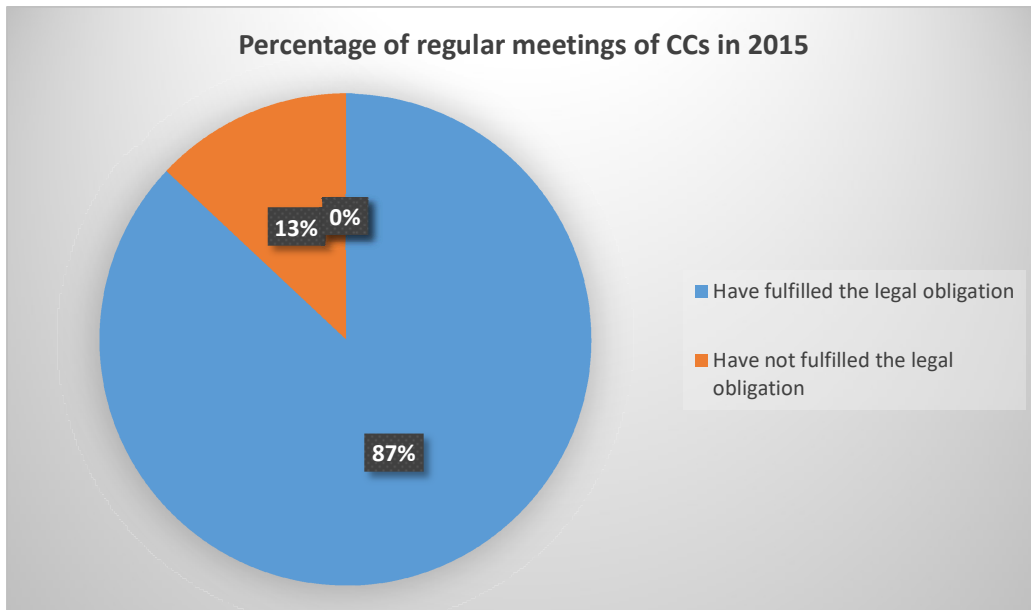


Figure 1 - Percentage of regular meetings of CC (Kosovo)

Furthermore, according to the same report issued by the OSCE, “58% of the established CC has issued recommendations” (OSCE, 2015).

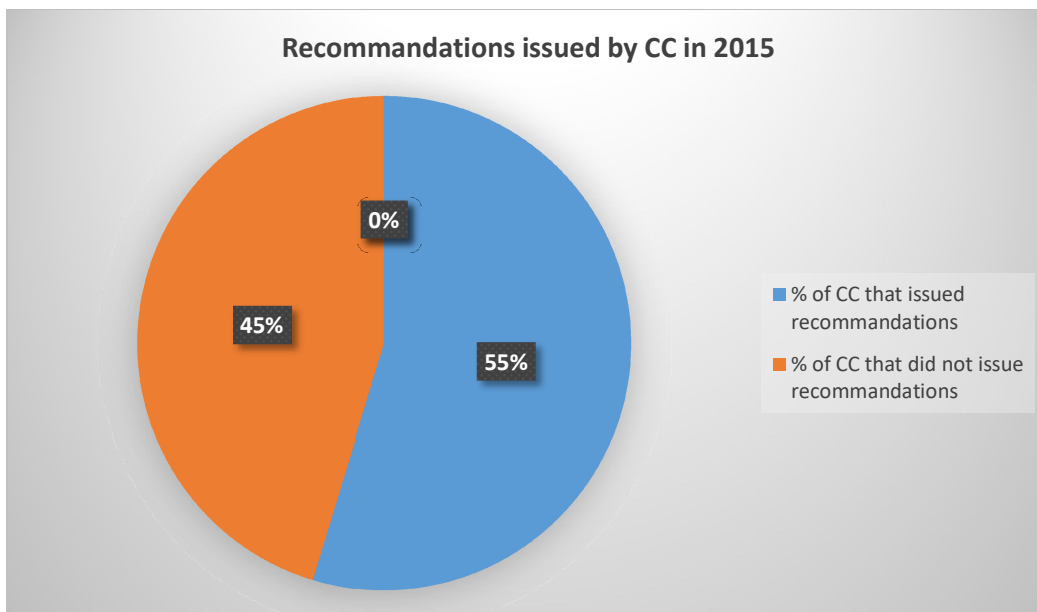
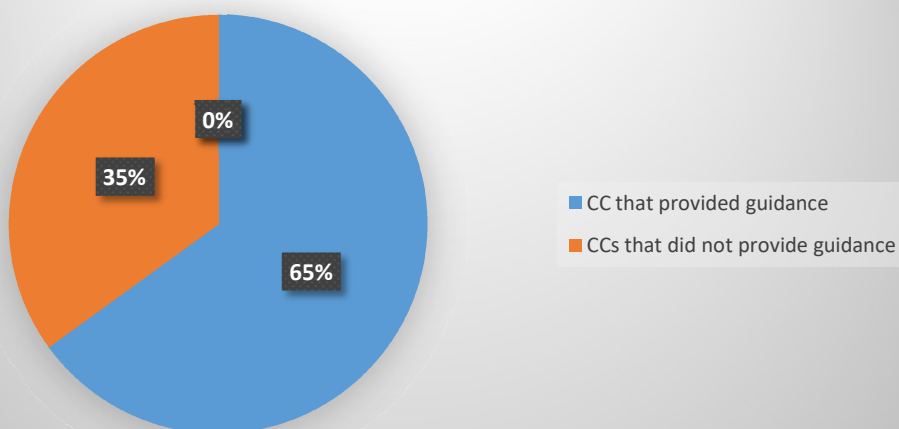


Figure 2 - Recommendations issued by CC in 2015

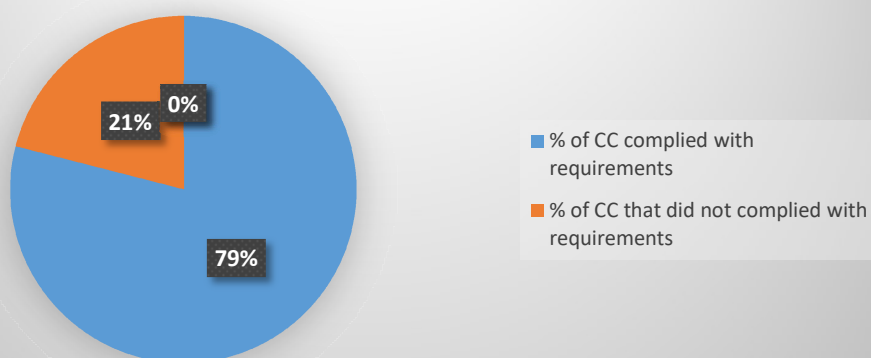
Besides, “66% of these bodies have guided on the community rights, and also 64% have provided a review on municipal policies, practices, and activities” (OSCE, 2015). Furthermore, “89% of the established CC have also advocated for guidance and promotion of communities rights” (OSCE, 2015).

Figure 3: CC guidance to municipal bodies on protection and promotion-2015



Furthermore, “79% of CC in Kosovo have been monitored and reported to the municipal assembly to implement community projects. In comparison, 79% of committees have consulted and coordinated with the MOCR” (OSCE, 2015).

Figure3 :% of the established CC in Kosovo have been monitored and reported on community projects-2015



CC 2016

Compared to CC's functionality in 2015, no change in the functionality and establishment of this CPM in Kosovo has been recorded.

A report issued by the OSCE in 2016 notes that “84% of established CC in Kosovo have met regularly, while only 16% of the CCs have not routinely met (municipalities that have not met the ToRs are Junik, Viti, Dragash, Mitrovice e Jugut, Leposavic, and Zubin Potok)” (OSCE, 2016). In addition, “the 61%, and even 45% have provided a review of municipal policies, practices, and activities” (OSCE, 2016).

Also, “71% of the established CC in Kosovo have monitored and reported to the municipal assembly implementing community projects” (OSCE, 2016). In comparison, “53% of these committees have to Consult and coordinate with the MOCR to selecting projects to benefit communities” (OSCE, 2016).

CC 2017

Comparing the functionality of CCs in 2015 and 2016, there has been no change in the functionality and establishment of this community protection mechanism at Kosovo's local level in 2017.

A report of OSCE in 2017 notes that “82% of established CC in Kosovo have met regularly, while only 16% of the CCs have not routinely met (municipalities that have not met the ToRs are Junik, Viti, Dragash, Mitrovice e Jugut, Leposavic, Prizren and Zubin Potok)” (OSCE, 2017). Furthermore, in 2017, “52% of the established CCs had issued recommendations on community rights” (OSCE, 2017). In addition, “61% of these bodies have provided guidance, and also 65% have provided a review on municipal policies, practices, and activities in 2017” (OSCE, 2017).

A total of “65% of CCs in 2017 have provided a review of municipal policies, procedures, and activities. While 53 of the established CC have been consulted and coordinated with the MOCR. 78% of established CC have arranged opportunities for communities” (OSCE, 2017). In comparison, “76% of these mechanisms have been monitored and reported to the municipal assembly to implement community projects” (OSCE, 2017). Concluding, “57% of CC have reviewed municipal budget planning” (OSCE, 2017).

CC 2018

Compared to the functionality of the CCs in 2015, 2016, and 2017, there was no significant change in the functionality and establishment of this community protection mechanism in 2018. OSCE report on the evaluation of this committee stipulates that this “committee was established in all 38 Kosovo municipalities, while only two municipalities of Kosovo did not meet regularly (Kamenica and Mitrovica South)” (OSCE 2018). In 2018, “27 out of 38 CC have issued recommendations on specific issues protecting/promoting community rights to municipal bodies.” (OSCE, 2018).

In comparison, “23 out of 38 committees have reviewed municipal policies, practices, and activities; besides, 23 out of 38 committees have consulted and coordinated with the MOCR” (OSCE, 2018). In addition, “26 out of 38 committees have arranged opportunities for communities to develop relevant strategies and policies. Finally, 34 out of 38 committees have monitored and reported on the implementation of community projects” (OSCE, 2018).

While on this section of communities' protection mechanisms, the most underrepresented communities in CC” are Kosovo Turks and Kosovo Bosniaks in nineteen (19) municipalities, respectively” (OSCE, 2018).

CC 2019

In comparison to the functionality of the CCs in 2015, 2016, 2017, and 2018, there was no significant change in the functionality and establishment of this CPM in Kosovo in 2019. In 2019, this committee was established in all “38 Kosovo municipalities, while only one municipality (Kamenica) of Kosovo has not met regularly” (OSCE 2019). In 2019, the report indicated that “23 out of 38 CC have issued recommendations s related to protecting/promoting community” (OSCE, 2019).

Compared to previous assessments, “17 out of 38 committees have reviewed municipal policies, practices, and activities; 11 out of 38 have consulted and coordinated with MOCR on selecting projects to benefit communities” (OSCE, 2019). In addition, “10 out of 38 committees have arranged opportunities for communities. Concluding, 7 out of 38 committees, have monitored and reported on the implementation of community projects” (OSCE, 2019). In comparison, “11 out of 38 committees have reviewed municipal policies and practices, while only 11 have made recommendations to the municipal budget” (OSCE, 2019).

11.6 Findings DCMAC

The position of the DCMAC is formalized by the constitution, LLSG, and subsequent Als. The position of DCMAC aims to promote community rights and interests. According to the laws mentioned above and guidelines, this “community protection mechanism is obligatory in municipalities where at least 10% of residents belong to community minorities” (OSCE, 2015).

DCMAC 2015

The research will focus on establishment, percentage of DCMAC undertaking substantive duties, community affiliation, gender and functioning, and reporting.

According to OSCE Mission in Kosovo,” during 2015, ‘only 30% of the DCMACs established in these ‘ten municipalities have undertaken duties to promote inter-community dialogue, while 60% of these mechanisms have addressed concerns ‘and needs’ (OSCE, 2015).

On the community affiliation “of the DCMAC, out of 10 DMACs posts, five are Albanian, 2 are Bosniak, 1 Kosovo Ashkali, 1 Kosovo Egyptian, and 1 Kosovo Turk, while on gender representation, out of 10 DCMACs, only one is women” (OSCE, 2015). While on general functioning and reporting, “none of the DCMACs have developed work plans for 2015, while only 20% of the existing DCMACs reported their work to the municipal assembly in 2015” (OSCE, 2015).

DCMAC 2016

According to an analysis carried out in 2016 by OSCE Mission in Kosovo, compared to 2015, “only nine municipalities had established the position of DCMAC. During 2016, “only 22% of the DCMACs established in these nine municipalities have undertaken duties to promote inter-community dialogue, while 56% of these mechanisms have addressed concerns and issues related to communities” (OSCE, 2016). In addition, “while only 11% of the DCMAC has reviewed claims by communities or their members, the MA decisions” (OSCE, 2016). The issued report

also refers to the “community affiliation of the DCMAC, out of 10 DMACs posts, five are Albanian, 2 are Bosniak, 1 Kosovo Ashkali, and 1 Kosovo Turk” (OSCE, 2016). At the same time, on gender representation, out of 9 DCMACs, only one is women. While on general functioning and reporting, none of the DCMACs have developed work plans for 2016, while only 22% of the existing DCMACs reported to MA” (OSCE, 2016).

DCMAC 2017

In 2017, OSCE Mission in Kosovo reported that “compared to 2016, the number of established had increased for one; in 2016, 9 municipalities established the position of DCMAC, while in 2017, 10 municipalities had them established” (OSCE, 2017). During 2017, only” four out of 10 of the DCMACs established in these ten municipalities have undertaken duties to promote inter-community dialogue, while 6 out of 4 of these mechanisms have addressed concerns” (OSCE, 2017). Furthermore, while only “1 out of 10 of the DCMAC has reviewed claims by communities or their members, the municipal assembly's decisions violate their constitutionally guaranteed rights” (OSCE, 2017).

OSCE also reports on” the community affiliation of the DCMAC, out of 10 DMACs posts, 7 are Albanian, 1 Kosovo Ashkali, 1 Kosovo Gorani, and 1 Kosovo Turk, while on gender representation, all are men. Two out of ten DCMACs have developed work plans for 2016, while only two out of ten of the existing DCMACs reported to the municipal assembly in 2016” (OSCE, 2017).

DCMAC 2018

In 2018, OSCE Mission in Kosovo reported that “compared to 2017, 10 municipalities had them established’ the position of the DCMAC” (OSCE, 2018). However, in 2018, “only four out of 10 of the DCMACs established in these ten municipalities have undertaken duties to promote inter-community dialogue, while 6 out of 10 of these mechanisms have addressed concerns” (OSCE, 2018). In addition, “only 1 out of 10 of the DCMAC has reviewed claims as foreseen with the applied legislation” (OSCE, 2018).

On the community affiliation of the DCMAC,” out of 10 DMACs posts, 7 are Albanian, 1 Kosovo Ashkali, 1 Kosovo Gorani, and 1 Kosovo Turk, while on gender

representation, all are men. While on general functioning and reporting, only two out of ten DCMACs have developed work plans for 2016. Only two out of ten of the existing DCMACs reported their duties to the municipal assembly in 2016” (OSCE, 2018).

DCMAC 2019

OSCE Mission in Kosovo reports that in 2019,” compared to 2019, 9 municipalities had them established” (OSCE, 2019). However, during 2019, “only two out of 9 of the DCMACs established in these nine municipalities have undertaken duties to promote inter-community dialogue. 4 out of 9 of these mechanisms have addressed concerns” (OSCE, 2019). In addition, “while only 2 out of 9 of the DCMAC have reviews claims” (OSCE, 2019).

On the community affiliation of the DCMAC, OSCE reports that “out of 9 DMACs posts, seven are Albanian, 1 Kosovo Ashkali, 1 Kosovo Gorani, while on gender representation, all are men. While on general functioning and reporting, only one out of nine DCMACs have developed work plans for 2019. Only one out of nine existing DCMACs have reported on their duties to MA in 2019” (OSCE, 2019).

11.7 Findings DMC

Essential documents regulating the post of DMC (DMC) as local protection mechanism and its mandate are LLSG

This section will compare this CPM in Kosovo from 2015-to 2018. In 2015, the “position of the ‘DMC had been established in 14 out 38 municipalities, Fushë Kosovë, Mitrovicë South, Graçanicë, Novobërdë, Kamenicë, Obiliq, Kllokot, Prizren, Leposaviq, Shtërpçë, Lipjan, Zubin Potok, Mamushë, and Zveçan” (OSCE, 2020).

The analysis will establish and function community affiliation, gender representation, underrepresented communities, and access to adequate resources. The performance will also be assessed based on the mechanism undertaking substantive duties.

2015

According to the OMIK report issued in 2015 on the community affiliation of the DMCs in Kosovo, “out of 14 established DMC posts in Kosovo, 8 are Albanian, 2 Serb, while Ashkali, Bosnian, 2Roma, and Turks are represented by one member in 2015”(OSCE, 2015). Furthermore,” gender representation of the DMCs, out of 14 DMCs, 2 are women” (OSCE, 2015).

While on the duties completion, “86% of DMCs have provided advice to Mayor, while 64% of DMCs have supported requests from communities to municipal bodies. 86% of established DMCs have undertaken outreach activities to communities to promote municipal activities, and 64% of DMCs have promoted inter-community dialogue” (OSCE, 2015). In addition, “86% of the DMCs have advanced confidence-building between communities and municipal institutions, 86% of the DMCs have ensured sufficient funding for the protection and promotion of community rights, and that communities' needs and interests are taken into consideration during the budget preparation process” (OSCE, 2015).

2016

In comparison to 2015, OSCE Mission in Kosovo reports that” in 2016 one more municipality established the post of the DMC, position of the DMC has been established in 15 out 38 municipalities, Fushë Kosovë, Ferizaj, Mitrovicë South, Graçanicë, Novobërdë, Kamenicë, Obiliq, Klllokot, Prizren, Leposaviq, Shtërpçë, Lipjan, Zubin Potok, Mamushë and Zveçan” (OSCE, 2016).

On the community affiliation of the DMCs in Kosovo, it is noteworthy that” out of 14 established DMC posts in Kosovo, 8 Albanian, 2 Serb, 2 Ashkali, Bosniak, Kosovo Roma, and Turks are represented by one member in 2015. Furthermore, on gender representation of the DMCs, out of 15 DMCs, 2 are women” (OSCE, 2016).

While on the duties completion, “80% of DMCs have provided advice to Mayor, while 60% of DMCs have supported requests from communities to municipal bodies. 80% of established DMCs have undertaken community outreach activities to promote municipal activities, and 47% of DMCs have promoted inter-community dialogue” (OSCE, 2016). Furthermore, “33% of the DMCs have promoted confidence-building, 80% of the DMCs have ensured sufficient funding” (OSCE, 2016).

2017

OSCE Mission in Kosovo reports that in comparison to 2016, the” position of the DMC has been established in 14 out 38 municipalities, Fushë Kosovë, Ferizaj, Mitrovicë South, Graçanicë, Novobërdë, Obiliq, Klllokot, Prizren, Leposaviq, Shtërpçë, Lipjan, Zubin Potok, Mamushë, and Zveçan” (OSCE, 2017).

On the community affiliation of the DMCs in Kosovo, it noteworthy is that “out of 14 established DMC posts in Kosovo, 8 are Albanian, 2 Serb, 2 Ashkali, 2 Bosniak, 1 Kosovo Roma, and Kosovo Turks are represented by one member in 2017” (OSCE, 2017). Furthermore, on gender representation of the DMCs, “out of 14 DMCs, 2 are women” (OSCE, 2017).

Further, “11 out of 14 DMCs have provided advice and guidance to Mayor on communities, while 11 out of 14 of DMCs have supported requests deriving from communities to municipal bodies” (OSCE, 2017). In addition, “12 out 14 of established DMCs have undertaken outreach activities to communities to promote municipal activities, and 6 out of 14 DMCs have promoted inter-community

dialogue” (OSCE, 2017). Furthermore, “6 out of 14 of the DMCs have promoted confidence-building, 9 out of 14 of the DMCs have ensured sufficient funding” (OSCE, 2017).

2018

In comparison to 2017, an OSCE report, DMC” has been established in 16 out of 38 municipalities” (OSCE, 2018). Municipalities that have established the position of DMC are “Fushë Kosovë, Dragash, Ferizaj, Mitrovicë South, Graçanicë, Novobërdë, Obiliq, Klllokot, Prizren, Leposaviq, Shtërpçë, Lipjan, Zubin Potok, Mamushë, Kamenica and Zveçan” (OSCE, 2018). To note, the report stipulates that “Graçanicë, Klllokot, Leposaviq, Mitrovicë South and Prizren, the post was established, but DMC was not appointed” during the reporting period (OSCE, 2018).

On the community affiliation of the DMCs in Kosovo, it is noteworthy that” out of 11 established and functional DMC posts in Kosovo, 5 Albanian, 2 Serb, 3 Ashkali, 1 Bosniak. Furthermore, on gender representation of the DMCs, out of 11 DMCs, 1 is women” (OSCE, 2018).

The OSCE report points out that ”10 out of 11 DMCs have provided advice and guidance to Mayor on communities, while 9 out of 11 of DMCs have supported requests deriving from communities to municipal bodies” (OSCE, 2018). While, “ten out of 11 of established DMCs have undertaken outreach activities to communities to promote municipal activities, and 7 out of 11 DMCs have promoted inter-community dialogue” (OSCE, 2018).

Furthermore, “5 out of 11 DMCs have promoted confidence-building. 2 out of 11 of the DMCs have ensured sufficient funding for the protection” (OSCE, 2018).

2019

In comparison to 2018, OSCE reports, the DMC has been established in “13 out of 38 municipalities in 2019, Fushë Kosovë, Dragash, Ferizaj, Graçanicë, Novobërdë, Obiliq, Klllokot, Prizren, Shtërpçë, Lipjan, Zubin Potok, Mamushë, Kamenica, and Zveçan” (OSCE, 2019).

On the community affiliation of the DMCs in Kosovo, it is noteworthy that “out of 11 established and functional DMC posts in Kosovo, 6 Albanian, 2 Serb, 3 Ashkali, 2 Bosniak” (OSCE, 2019). On gender representation of the DMCs, “out of 13 DMCs, 3

are women. Ten out of 11 DMCs have provided advice and guidance to the Mayor on communities, while 9 out of 11 of DMCs have supported requests deriving from communities to municipal bodies” (OSCE, 2019). In addition, “ten out 11 of established DMCs have undertaken outreach activities to communities to promote municipal activities, and 7 out of 11 DMCs have promoted inter-community dialogue” (OSCE, 2019).

Furthermore, “5 out of 11 DMCs have promoted confidence-building. 2 out of 11 of the DMCs have ensured sufficient funding” (OSCE, 2019). Finally, “2 out of 11 of DMCs ensured it has implemented protection and promotion activities” (OSCE, 2019).

11.8 Findings MCSC

Functioning and establishing the MCSC mandate is based on “MLGA, Instruction No. 03/2012 for MCSC (OSCE, 2019). MCSC objective is to enhance security and safety

and aims community's prosperity and government officials responsible for implementing good governance policies” (OSCE, 2019).

Compared to other community rights-related forums such as CC, DMC, MOCR, and DMC, many interlocutors are present in this forum, such as those of security structures (including Kosovo Army): “Mayor, Police Commander, representatives of religious communities, ethnic communities, members of community protection mechanisms, municipal directors, NGO’s” (OSCE, 2019).

According to the regulations above, MCSC is “obliged to organise 6 meetings per annum” (OSCE, 2019).

As prescribed in the manual on MCSC, issued by the MLGA, manual on MCSC, published by the Ministry of Local Government Administration, “MCSC's mandate lasts four years” (OSCE, 2019). It corresponds with the Municipal Assembly mandate; the analysis will be done in two-term, 2014-2017 and 2018-2021. The research will” primarily encompass elements such as the number of municipalities that compensate MCSCs regularly, community representation, number of meetings (2016-2017), sessions where security incidents have been discussed, number of

MCSC that have adopted work plans, and activities to address security concerns” (OSCE, 2016-2017).

11.9 Establishment and functionality of the MCSC mechanisms (2014-2017)

OSCE states 2014-2017, ‘38 local authorities, MCSC is existent in 34 (OSCE, 2017). Out of “28 municipalities, 10 MCSC have had at least one female member representing a community member” (OSCE, 2017). The report states that” out of the total number of established MCSC, only 16 municipalities have regularly compensated these forum members” (OSCE, 2017). While on the number of meetings organized, the report notes that “only ten municipalities have met the set quota of the organization of six sessions in a year” (OSCE, 2017). In comparison, “ten municipalities have discussed security incidents or concerns relating to community security more than once during this period” (OSCE, 2017). While “out of 34 established MCSC, only eight have adopted specific work plans to address communities' security and safety concerns in a numerical minority” (OSCE, 2017). Finally, “out of 52 meetings held, in 17 sessions, security incidents, communities' problems were tackled” (OSCE, 2017).

11.10 Findings MOCR

The key documents that regulate the MOCR are the regulation 02/2010, issued MOCR Terms of Reference and Standard Operating Procedures.

MOCRs were introduced to Kosovo’s local governance in 2010, “2015, 34 out of 38 municipalities in Kosovo have established their offices. Four municipalities that have not established MOCRs in 2015 have been northern municipalities of Kosovo, resided by Kosovo Serb communities” (OSCE, 2015).

As with the previous community protection mechanisms, the analysis will be done on elements such as establishment and functioning/reporting, community affiliation, underrepresented communities, and access to adequate resources. In

addition, we will also assess the performance based on the mechanism undertaking substantive duties.

2015

In 2015, concerning functioning & reporting duties, OMiK only” half of the MOCRs has established work plans developed, while only half of the established committees have submitted annual reports” (OSCE, 2015). While on the community representation, in 2015, “68 Serb, 45 Albanians, 6 Ashkali, 17 Bosniak, 8 Egyptian, 3 Gorani, 2 Montenegrin, 12 Roma, and 4 Turks have been part of the MOCR (minus the 4 northern municipalities)” (OSCE, 2015).

Concerning the percentage of MOCRs taking substantive duties, i.e., “establishment, 94% of the MOCRs have done their job” (OSCE, 2021). However, only “35% have assessed and coordinated and cooperated with relevant stakeholders, only 35% of MOCRs have done so, while 53% of these mechanisms have developed, monitored, or evaluated projects benefiting communities” (OSCE, 2021). Whereas “68% of MOCRs have facilitated opportunities, 59% of MOCRs have monitored policies relevant to protecting and promoting communities' rights or specific beneficiaries. 74% of MOCRs have provided MA advice” (OSCE, 2021). In comparison, “35% of MOCRs have done public outreach or awareness-raising with communities or specific beneficiary groups” (OSCE, 2021).

2016

In 2016, concerning functioning & reporting duties,” only half of the MOCRs established had work plans developed, while 35% of the established committees have submitted annual reports” (OSCE, 2016). While on the community representation, in 2016, “62 Serb, 33 Albanians, 7 Ashkali, 17 Bosniak, 6 Egyptian, 3 Gorani, 2 Montenegrin, 11 Roma, and 4 Turks have been part of the MOCR” (OSCE, 2016).

Concerning the duties “97% of the MOCRs have done their job” (OSCE, 2016).

While on the coordination and cooperation with relevant stakeholders, “only 29% of MOCRs have done so, while 53% of these mechanisms have developed, monitored, or evaluated projects benefit communities” (OSCE, 2016). In comparison, “53% of MOCRs have monitored policies relevant to protecting and promoting communities' rights or specific beneficiaries. 68% of MOCRs have provided MA advice communities issues” (OSCE, 2016). In comparison, “71% of MOCRs have done outreach” (OSCE, 2016).

2017

In 2017, concerning functioning & reporting duties, OSCE Mission in Kosovo reports that “only half of the MOCRs established had work plans developed, while 35% of the established committees have submitted annual reports” (OSCE, 2017). Furthermore, while on the community representation, “in 2017, 62 Serb, 33 Albanians, 7 Ashkali, 17 Bosniak, 6 Egyptian, 3 Gorani, 2 Montenegrin, 11 Roma, and 4 Turks have been part of the MOCR” (OSCE, 2017).

Concerning the percentage of MOCRs taking ‘substantive duties, i.e., establishing, “97% of the MOCRs have done their job” (OSCE, 2017). While in 2017, only ‘38% have assessed” (OSCE, 2017).

While on the ‘coordination and cooperation with relevant stakeholders, only 29% of MOCRs have done so, while 53% of these mechanisms have developed, monitored, or evaluated projects benefiting communities’ (OSCE, 2017). Noteworthy, “62% of MOCRs have facilitated opportunities in comparison, 53% of MOCRs have monitored policies relevant to protecting and promoting communities' rights or specific beneficiaries” (OSCE, 2017). Finally, “68% of MOCRs have provided MA on community issues. In comparison, 71% of MOCRs have done public outreach or awareness-raising with communities or specific beneficiary groups” (OSCE, 2017).

2018

In 2018, concerning functioning & reporting duties, OSCE Mission in Kosovo reports that “only half of the MOCRs established had work plans developed, while 10 out of 38 established committees submitted annual reports” (OSCE, 2018). While on the community representation, in 2018, “65 Serb, 47 Albanians, 7 Ashkali, 18 Bosniak, 1 Croat, 6 Egyptian, 2 Gorani, 3 Montenegrin, 9 Roma, and 4 Turks have been part of the MOCR” (OSCE, 2018).

Concerning the percentage of MOCRs taking substantive duties, i.e., “establishing, 36 out of 38 of the MOCRs have done their job” (OSCE, 2018). However, “only 22 out of 37 have assessed communities' rights” (OSCE, 2018).

While on the coordination and cooperation with relevant stakeholders, “only 30 out of 37 MOCRs have done so. In contrast, 19 out of 37 of these mechanisms have developed, monitored, or evaluated projects benefiting communities” (OSCE, 2018). Only “7 out of 37 MOCRs have facilitated opportunities” (OSCE, 2018). In comparison, “12 out 37 of MOCRs have monitored policies relevant to protecting and promoting communities' rights or specific beneficiaries” (OSCE, 2018). In addition, “15 out of 37 of MOCRs have provided MA advice on the community” (OSCE, 2018). Lastly, “30 out of 37 MOCRs have done public outreach” (OSCE, 2018).

2019

In 2019, concerning functioning & reporting duties, OSCE Mission in Kosovo reports that “only 24 out of 35 of the MOCRs established had work plans developed, while 28 out of 35 of the set and functional committees have submitted annual

reports” (OSCE, 2019). While on the community representation, in 2019, “60 Serb, 48 Albanians, 7 Ashkali, 19 Bosniak, 1 Croat, 8 Egyptian, 3 Gorani, 2 Montenegrin, 9 Roma, and 4 Turks have been part of the MOCR” (OSCE, 2018).

Concerning the percentage of MOCRs taking substantive duties, i.e., “establishment, 34 out of 35 of the MOCRs have done their job” (OSCE, 2019). While on the coordination and cooperation with relevant stakeholders, “28 out of 35 MOCRs have done so. Simultaneously, 19 out of 35 of these mechanisms have developed, monitored, or evaluated projects benefiting communities” (OSCE, 2019).

While “only 19 out of 35 of MOCRs have facilitated opportunities” (OSCE, 2019). In comparison, “15 out of 35 MOCRs have monitored policies relevant to protecting and promoting communities' rights or specific beneficiaries” (OSCE, 2019). Finally, “13 out of 35 of MOCRs have provided MA advice on relevant challenges to community” (OSCE, 2019). Concluding, “23 out of 35 MOCRs have done public outreach or awareness-raising with communities or specific beneficiary groups” (OSCE, 2019).

11.11 CIRC

CICR existence is regulated by LLSG, back in 2002, and are envisaged to exist in local government structures that have population of 20% different from the largest ethnic group. As such twenty local authorities are obliged to create these structures in North Macedonia. Below, an analysis on the legal obligation, functionality, establishment, budget, and if this mechanism has provided any recommendations will be provided. In addition, this analysis will encompass survey results from institutions and residents in North Macedonia conducted in 2020. Results, findings, and recommendations on improving the current situation of the CIRC are provided in the sections below.

Chapter XII Comparative Institutional analysis of the CPM

12.1 The questionnaire

1. Does your municipality have a legal obligation to establish a Commission for Inter-Community Relations?
2. Have you established a commission for Inter-Community Relations (Macedonia), a Committee for Communities (Kosovo)?
3. Is the election of members of the CICR c, the CC (Kosovo), regulated by the municipality's statute?
4. Please indicate how many of the Inter-Community Relations (Macedonia) members, CC (Kosovo) are at the same time Ma are external?
5. Is the information (name, surname, telephone, e-mail) of the members of the Inter-Community Relations (Macedonia), the CC (Kosovo), posted on the municipality's website?
6. Does the CC, the CICR (Macedonia) have an annual work plan?
7. Does the CIRC, the CC (Kosovo), have a budget provided/approved for implementing its program?
8. Has the CICR (Macedonia), the CC (Kosovo) made any recommendations in the last three years?
9. Is the commission for CICR (Macedonia), and the CC (Kosovo) functional?
10. What should be done to improve the CICR functioning (Macedonia), the CC (Kosovo)?

12.2 Institutional questionnaire Results- North Macedonia

Forty-nine entities (60.5%) from a total of 80 were surveyed. The answers provided were used to analyse the situation and will be used to define specific recommendations for overcoming perceived problems and bottlenecks in the delivery of local services.

The survey sample consists of all units of LSG in North Macedonia. As of May 22, 2020, completed questionnaires were sent to a total of 49 local government units. Municipalities that submitted a completed questionnaire with distribution by planning region: Surveyed officials: Municipal assembly secretaries and members of the CIRC.

Skopje (3) Karpos, Studenichani and Cucer Sandevo, Polog (5) Bogovinje, Brvenica, Tearce, Tetovo and Mavrovo and Rostuse, Northeast (3) Kriva Palanka, Kumanovo and Staro Nagorichane, East (7) Zrnovci, Karbinci, Delchevo, Kocani, Berovo, Vinica and Pehchevo, Southeast (7) Bogdanci, Vasilevo, Radovish, Novo Selo, Konche, Strumica and Bosilovo, Vardar (7) Sv Nikole, Veles, Rosoman, Lozovo, Gradsko, Kavadarci and Caska, Pelagonija (9) Krivogashtani, Prilep, Krushevo, Demir Hisar, Novaci, Dolneni, Resen, Mogila and Bitola, Southwest (8) Debrca, Centar Zupa, Plasnica, Ohrid, Vevcani, Kicevo, Struga and Debar.

Total questions asked: 10 Surveyed municipalities: Kosovo (38- all), Macedonia (49 municipalities, plus the city of Skopje) Persons contacted for research: Secretaries of Municipal Assemblies, CC members.

Of the 49 units surveyed, 59% (29 municipalities) stated that they have a legal obligation to establish a CIRC (LLSG, Article 55). 49 municipalities surveyed, 55% (27 municipalities) stated that they had established a CIRC (LLSG-Article 55).

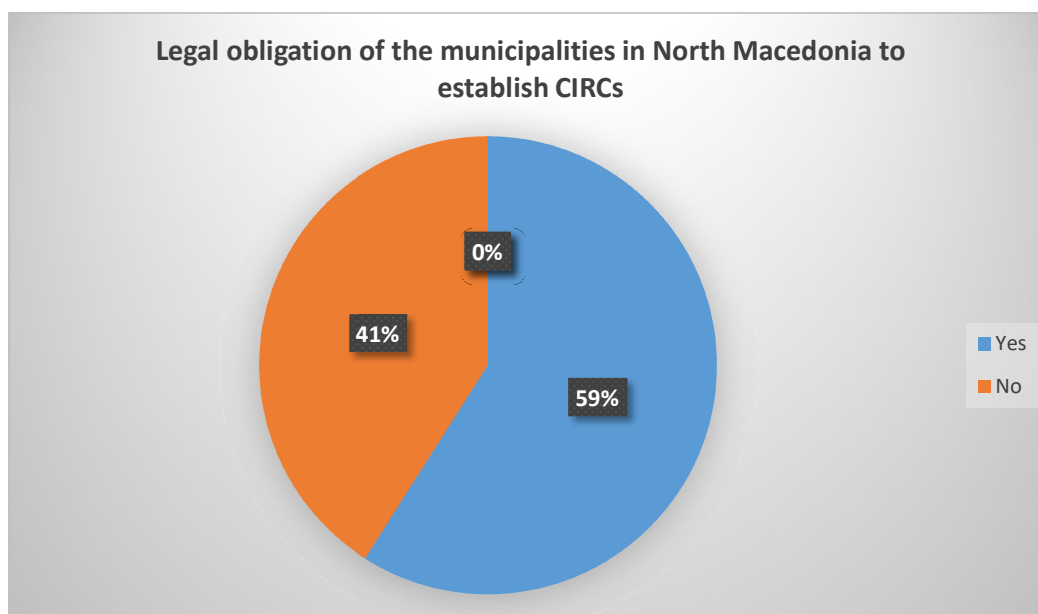


Figure 3 - Legal obligation of municipalities in North Macedonia

Of the 49 municipalities surveyed, 56% (27 municipalities) stated that the statute of the Municipality regulates the CICR establishment; of 49 municipalities surveyed, on average, there are 6.14 members per municipality and at the same time members of the municipal assembly, while on average 5.71 members are external.

Information regarding name, telephone, and email whether they are present on municipal websites, only 18% or (8.8 municipalities) stated that they possess this information on their municipal websites; Regarding the action plan of the Commission for Inter-Community Relations in municipalities, only 12% or (5.8 municipalities) stated that they possess such an action plan; Regarding the budget allocated for CICR, only 8% or (3.9 municipalities) stated that they have a budget allocated for their annual activities;

Regarding whether the CICR has made any recommendations in the last three years, respondents answered that 12% (5.88 municipalities) have made and given recommendations.

Establishing a Commission for Inter-Community Relations is not mandatory for all

municipalities Lack of information on municipal websites regarding committee members. Only nine municipalities have this information on their municipal websites regarding the Commission for Inter-Community Relations action plan in municipalities; only 12% or 5.8 Municipalities have stated that they have such a plan. Only a minority of 4 municipalities has a budget for activities.

Compared to Kosovo, the CICR has made a recommendation in the past three years, persons have responded that six municipalities have made and given suggestions.

12.3 Institutional Questionnaire Results- Kosovo

In Kosovo, 38 units of local governance are obliged to create CC

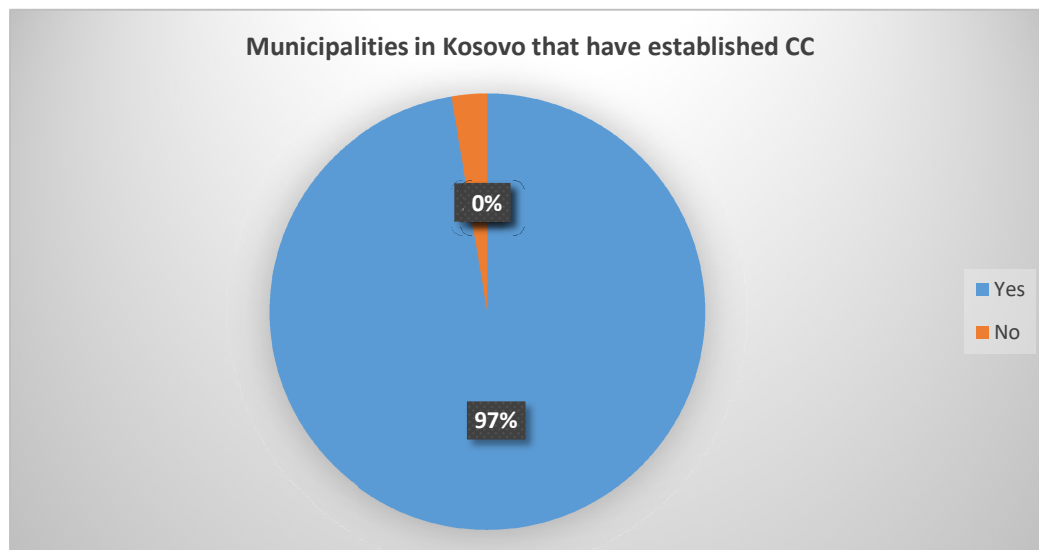


Figure 4 - Municipalities in Kosovo that have established CCs

The “composition of the committee members for communities is regulated by the administrative instruction article 7, wherein detail it is determined that the committee for communities consists of 5-7 members, in municipalities where there are no ethnic communities, the composition may reflect the representation of other communities” (MLGA, 2014)

Findings from the OSCE Report note, "Most of the members of this committee are also members of the municipal assembly" (MGLA, 2014).

Information regarding name, telephone, and email are not present on municipal websites; some municipalities have names (Lipjan), but the data are not updated'.

Finding from the OSCE report note that "communities for communities do not have an approved work action plan; they usually act according to the work plan of the Municipal Assembly. CC does not have a set budget to implement any activity" (OSCE, 2017).

In 2017, "20 of the 38 Committees issued recommendations on specific community rights protection/promotion issues in municipal bodies" (OSCE, 2017).

In 2018, 27 out of 38 Committees for Communities issued recommendations for specific guidance "on specific issues related to the protection/promotion of community rights to municipal bodies" (OSCE, 2018).

In 2019, "23 out of 38 CCs issued advice related to communities" (OSCE, 2019). CC was "established in 38 Municipalities (only one committee was not functional during 2019)" (OSCE, 2019). Established community mechanisms in municipalities where there are no communities (Hani i Elezit, Kacanik etc.).

Lack of information on municipal websites regarding committee members was evident; although committee members are paid to hold hearings, this committee does not have a budget for possible activities; Lack of work plan (compared to the municipal assembly - which annually compiles and approves an action plan for next year's activity).

Another important finding of this research is that two communities, 'Turks and Bosniaks, are under-represented in committees, and this under-representation is in 20 municipalities of Kosovo' (OSCE, 2019).

Concluding," in 2017, 20 out of 38, in 2018, 27 out of 38, in 2019, 23 out of 38 committees issued recommendations for specific recommendations on specific issues related to community" (OSCE, 2017, 2018, 2019).

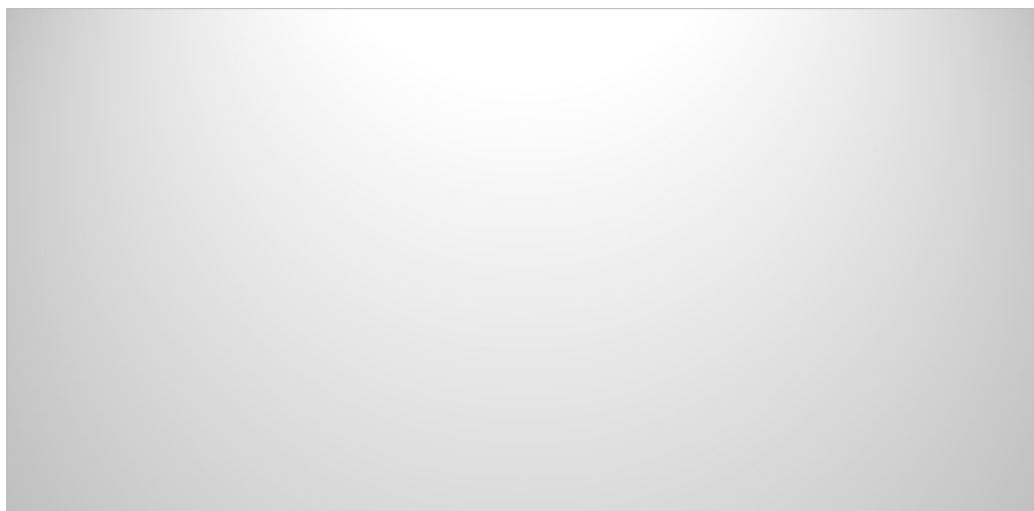
12.4 Detailed overview of the findings -CC

Answer to question two: Does your municipality have a legal obligation to establish the CC (Gazette, 2008).

Figure 7: Municipalities in Kosovo have a legal requirement to establish CC LLSG (article 53) stipulates that all 38 municipalities of Kosovo are” obliged to establish CC as one of its mandatory committees, no matter the size, population percentage, or any other distinction such as territory or municipal capacity” (Gazette, 2008).

Answer to question two: Have you established a Committee for Communities?

Figure 8: Does your municipality have obligation to establish CC



The CC is established in “38 municipalities of Kosovo; 37 of the 38 committees meet regularly (only the committee from the municipality of Kamenica has not fulfilled its legal obligation)” (OSCE, 2016).

Answer to question three: Is the election of Committee for Communities (Kosovo) members regulated by the municipality's statute?

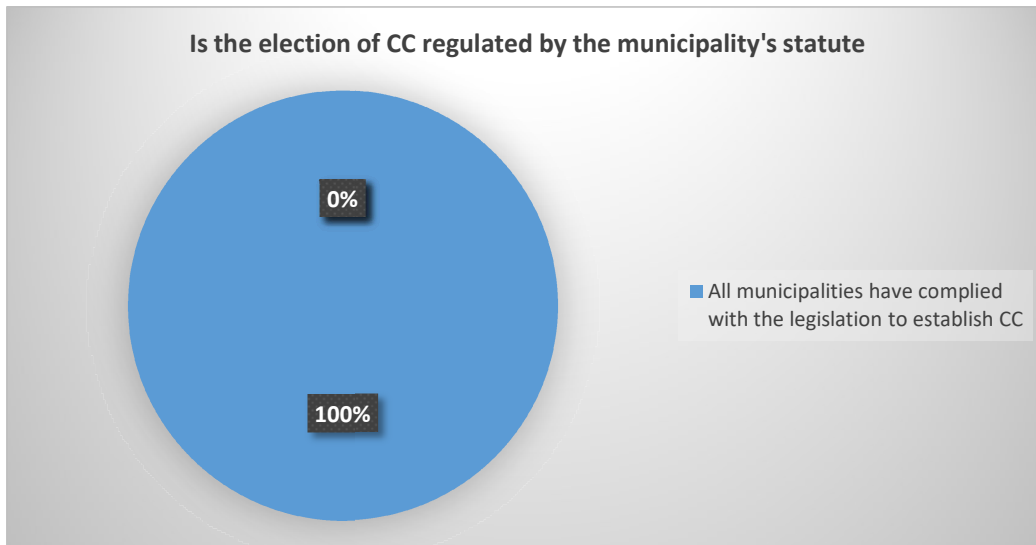


Figure 7 - Is the election of CC (Kosovo) regulated municipality's statute

In all of the 38 municipalities of Kosovo, CC elections is regulated.

Overview of the findings of in Macedonia, specifically CIRCs

1. Are municipalities obliged to establish a Commission for Inter-Community Relations (Macedonia LLSG, Article 55)?

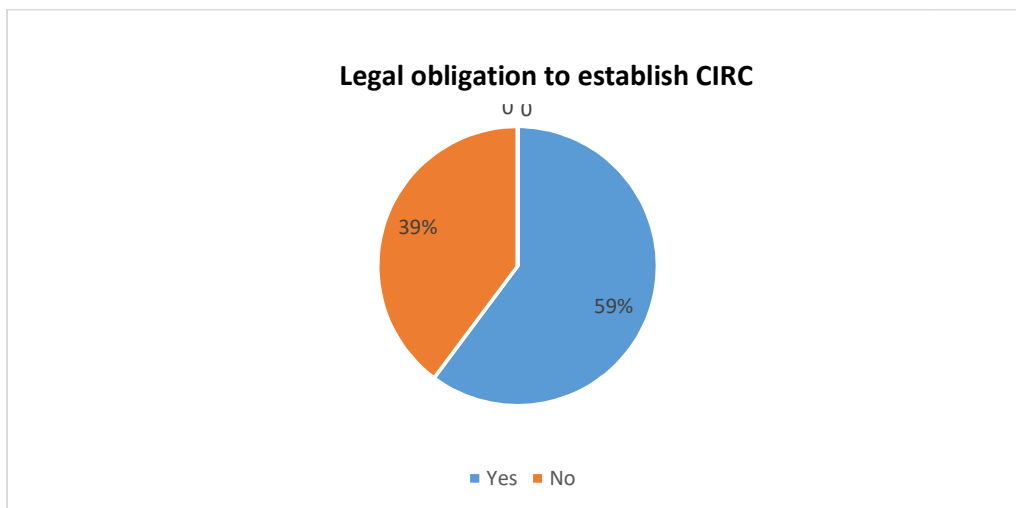


Figure 5 - Legal obligation to establish CIRC

Of the 49 municipalities surveyed, 59% (29 municipalities) stated that they have a legal obligation to establish a CIRC.

2. Have you established a CICR (North Macedonia)?

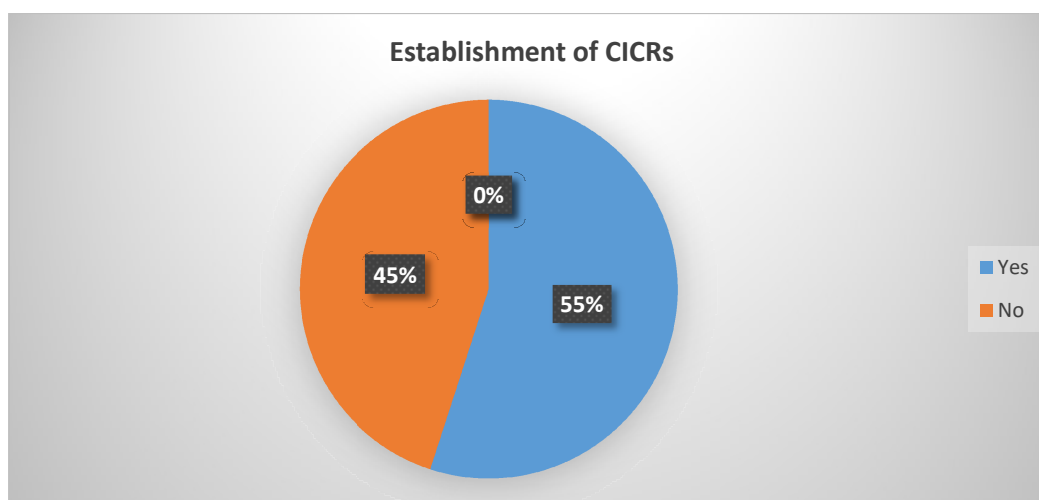


Figure 6 - Establishment of CICRs

Out of 49 surveyed municipalities, 27 have established the CIRC in line with the LLSG, 55%, of local institutions in North Macedonia have established the CIRC.

3. Is the election of members of the Commission for Inter-Community Relations (North Macedonia), regulated by the municipality's statute?

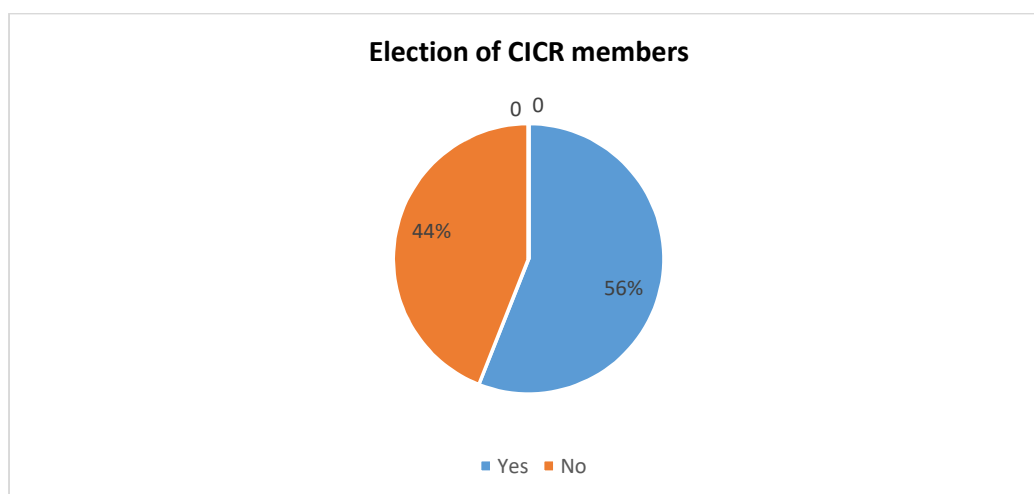


Figure 7 - Election of CICR members

Out of 49 surveyed municipalities, 27 municipalities have noted that the municipal statute regulates the election of CIRC members, constituting 56% of surveyed municipalities.

4. Please indicate how many of the Committee Inter-Community Relations (Macedonia) members are simultaneously MA members, and external members?

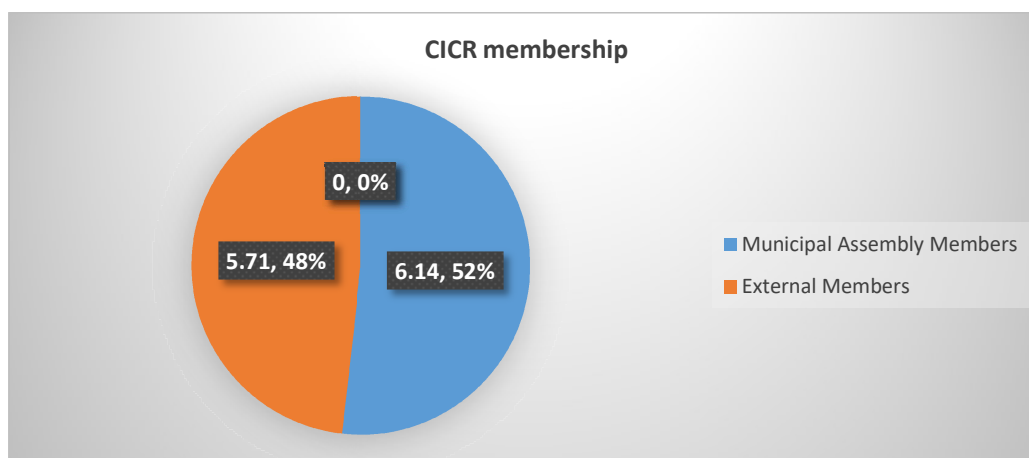


Figure 8 - CICR membership

Forty-nine surveyed municipalities noted that in their respective CIRC, 6.14 members are municipal assembly members, while 5.71 of their members are external members.

5. Is the information (name, surname, telephone, e-mail) of the CICR (Macedonia) on the municipal website?

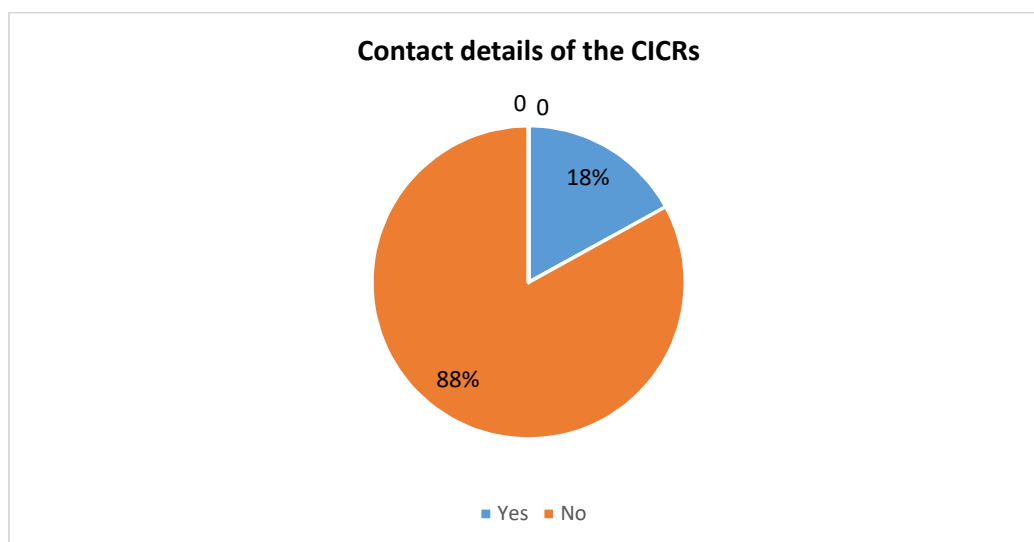


Figure 9 - Contact details of the CIRC

Only 18% or 9 of 49 municipalities have information (name, surname, telephone, e-mail) available on the CIRC at their municipal website so that the residents can access and contact them.

6. Does the Commission for Inter-Community Relations (North Macedonia) have an annual work plan?

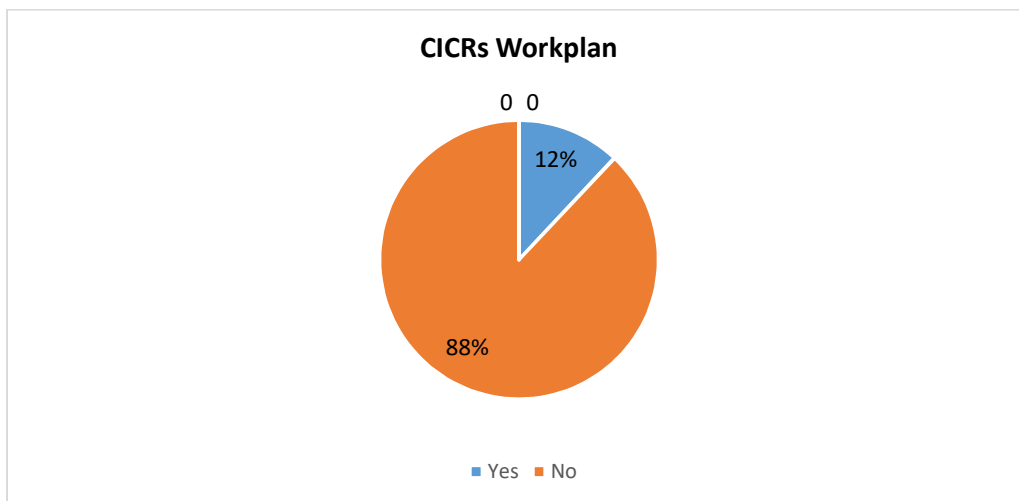


Figure 10 - CICRs Work plan

Out of 49 surveyed municipalities, only 12% or 5.8 municipalities have confirmed that they possess an annual work plan of activities for CIRC.

7. Have the CICRs in North Macedonia made any recommendations in the last three years?

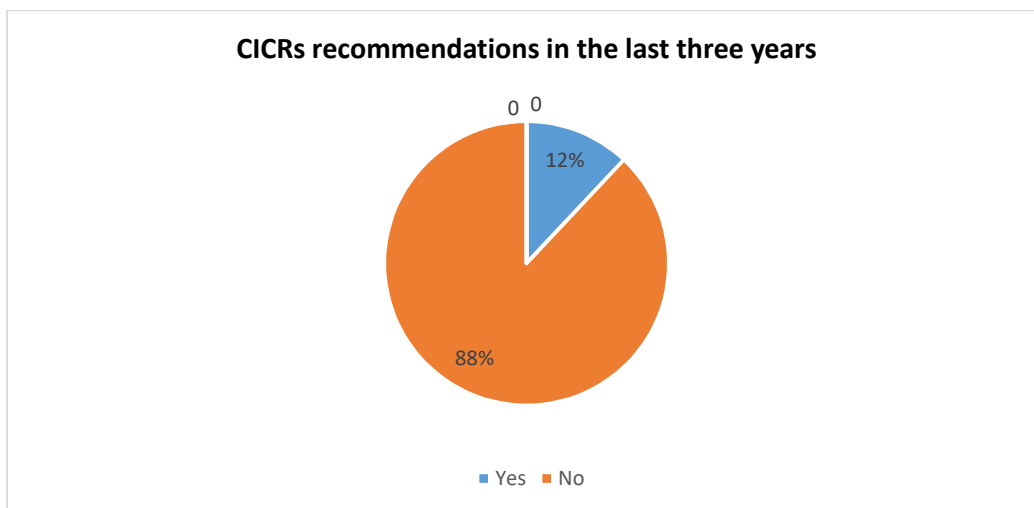


Figure 11 - CICRs recommendations

Out of 49 surveyed municipalities, only 12% or 5.8 municipalities have confirmed that they have made recommendations to municipal institutions on community-related issues in the past three years.

8. Does the Commission for Inter-Community Relations in North Macedonia have a budget provided/approved for implementing its program?

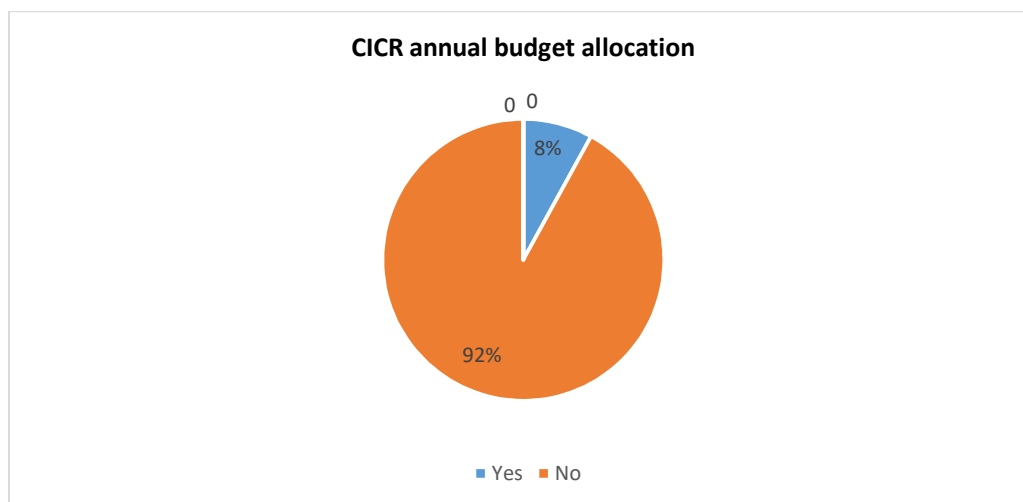


Figure 12 - CIRC budget allocation

Out of 49 surveyed municipalities, only 8% or 3.9 municipalities have confirmed that local administrations have allocated a budget line for CICRs for implementing their program.

Chapter XIII Survey Findings Empirical analysis of citizen perceptions- Kosovo and North Macedonia- Hypotheses

The survey findings chapter will analyse the data received through interviews with institutions and the general public on community protection mechanisms. The survey findings will help us analyse data, the mechanism's performance, legal obligations, and recommendations stemming from the analysis. The findings provided will also serve us to measure residents' knowledge on these mechanisms; according to these findings, recommendations will be provided on how to remedy that.

13.1 Kosovo

- All municipalities are obliged to create CC' (LLSG, article 53):
- CC is all municipalities of Kosovo, only one has not met as per the instruction, (Kamenica - mandate-2016-2020);
- The statute of municipalities in Kosovo provides the CC rules; the MLGA regulates the election of members. The composition of the CC is regulated by the administrative instruction article 7, wherein detail it is determined that the 'committee for communities consists of 5-7 members, "in municipalities where there are no ethnic communities, the composition may reflect the representation of other communities" (OSCE, 2021).
- Composition of the members of the CC, all communities in that particular municipality should Each community living in the municipality should have one representative on the CC; ethnic minorities in the municipality constitute the majority of the members of this committee; Most CC are part of MA;
- Information regarding name, telephone, and email is not present on municipal websites; in some municipalities, there are names (Lipjan), but the data are not updated;
- Communities for communities do not have a set budget to implement any activity;
- In 2017, 20 of the 38 CCs established issued recommendations. In 2018, 27 out of 38 Committees for Communities issued 'recommendations. In 2019, 23 out of 38 CCs issued recommendations.

Committees for Communities: Approval of the action plan every year. Assigning a budget line for the activities undertaken. Approval of the work plan by the municipal assembly. Approval of the plan for field visits.

Communities for communities do not have an approved work action plan; they usually act according to the work plan of the Municipal Assembly.

13.2 North Macedonia

Of the 49 municipalities surveyed, 59% (29 municipalities) stated that they have a legal obligation to establish a CICR (article 55, LLSG);

Of 49 municipalities surveyed, 55% (27 municipalities) stated that they had established a CICR (article 55, LLSG);

Of the 49 municipalities surveyed, 56% (27 municipalities) stated that the statute of the Municipality regulates the establishment of CICR;

Of 49 municipalities surveyed, on average, there are 6.14 members per municipality and at the same time members of the municipal assembly, while on average, 5.71 members are external.

Information regarding name, telephone, and email whether they are present on municipal websites, only 18% or (8.8 municipalities) stated that they possess this information on their municipal websites;

Regarding the action plan of the Commission for Inter-Community Relations in municipalities, only 12% or (5.8 municipalities) stated that they possess such an action plan;

Regarding the budget allocated for CICR, only 8% or (3.9 municipalities) stated that they have a budget allocated for their annual activities;

Regarding whether the Commission for Inter-Community Relations has made any recommendations in the last three years, respondents answered that 12% (5.88 municipalities) have made and given recommendations.

13.3 Surveys with citizens of Kosovo and North Macedonia-Results

A total of 111 individuals in Kosovo and 112 individuals in North Macedonia have been completed to assess and compare residents' knowledge, potential engagement, and involvement in community protection. The survey was initially designed in English while translated into Albanian, Macedonian, and Serbian languages. Respondents in Kosovo included Albanian, Serb, Bosnian, Gorani, Turkish, Roma, Ashkali, and Egyptian ethnicities. In North Macedonia, Albanian, Macedonian, Serbian, Bosniak, Turkish, ethnicities. Both genders were equally represented in this analysis from North Macedonia municipalities that are responsible for establishing the CIRC. In Kosovo residents of all municipalities have been surveyed.

Five questions were used for surveying purposes; the surveys have been completed using Google Forms. The five questions related to the citizen survey have been the same in Kosovo and North Macedonia.

13.4 Questionnaire questions used for the analysis

1). Are you aware of the existence of the local CPM in your municipality?

- a). Yes
- b). No
- c). Not sure

2). Are you aware of the functions and duties of the local community protection mechanism?

- a). Yes
- b). No

3). Have you ever addressed an issue with local community protection mechanisms?

- a). Yes
- b). No

4). What do you think the role of the local CPM should be?

- a). Discussing community rights and protection
- b). Address issues that communities in the numerical minority have
- c). Advocating for communities' rights and interests in a given municipality

5). In your opinion, are CPM useful for community inclusion and integration?

- a). A handy tool for addressing community concerns and interests
- b). A legal obligation that must be fulfilled
- c). Not sure

Survey findings with resident's comparison analysis between Kosovo and North Macedonia

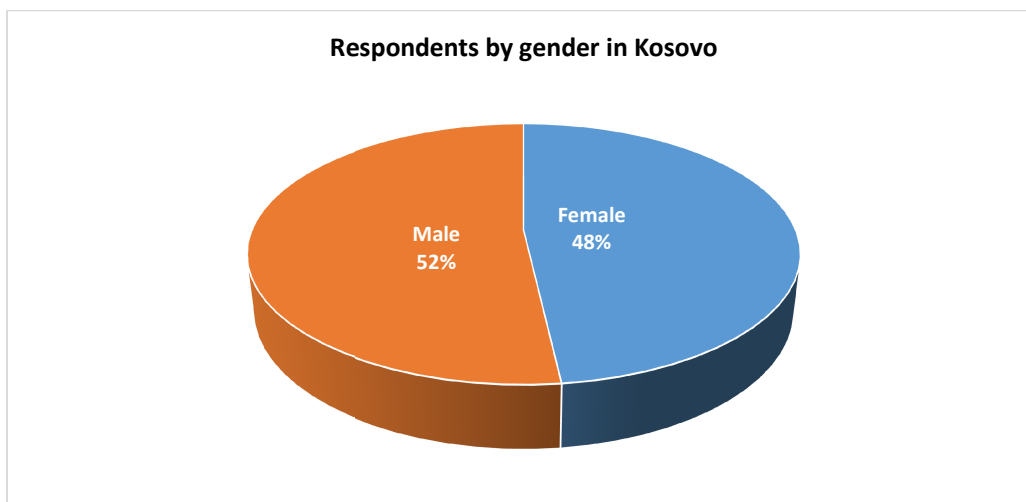


Figure 13 - Respondents by gender Kosovo

Out of 111 individuals interviewed in Kosovo, 57 were male, and 54 were female.

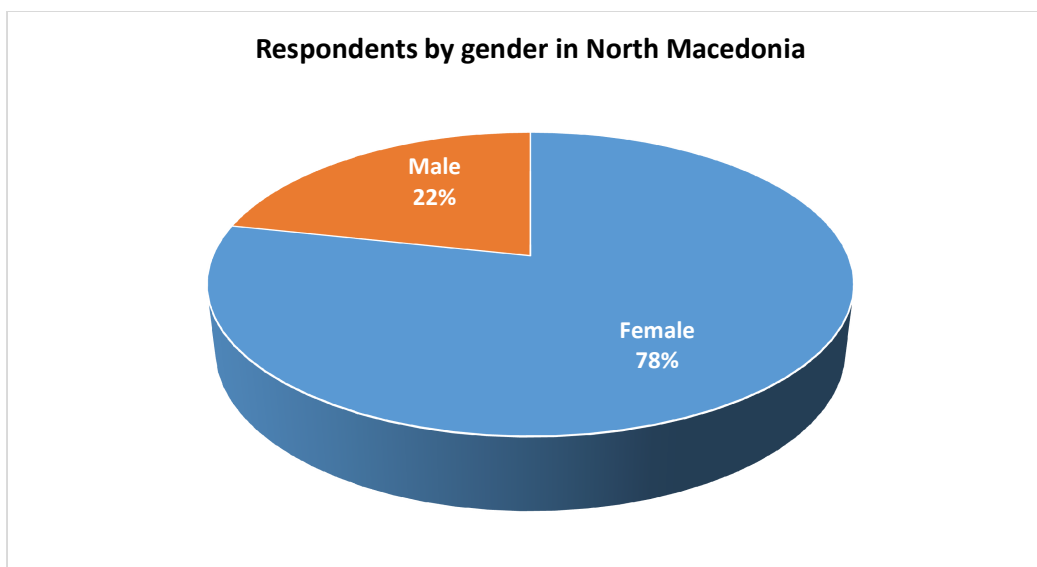


Figure 14 - Respondents by Gender North Macedonia

Out of 112 individuals interviewed in North Macedonia, 87 were female, and 25 were male.

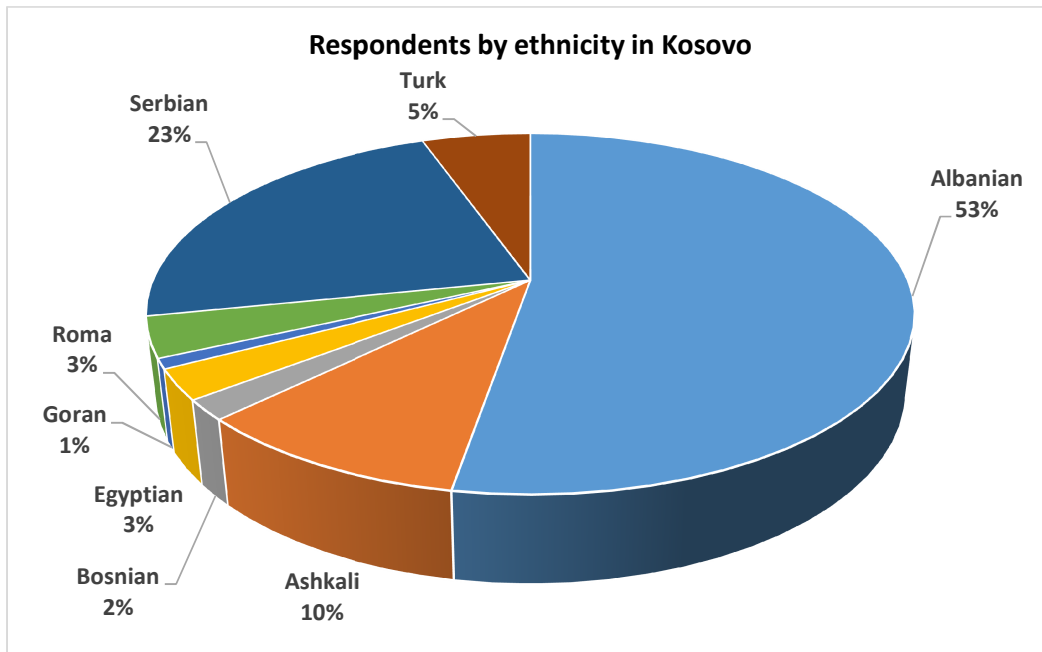


Figure 15 - Respondents by ethnicity Kosovo

In Kosovo, the ethnic distribution of respondents was as pictured above, 53 or 58 of the respondents were Kosovo Albanian, 23, or 25 were Kosovo Serb, 10 Kosovo Ashkali or in percentage 10%, Kosovo Egyptian 3 or in percentage 3% Kosovo Turk 5 or percentage 5%, Kosovo Roma, four or in percentage 4%, Kosovo Bosnian 2 or in percentage 2% and 1 Kosovo Gorani or 1%.

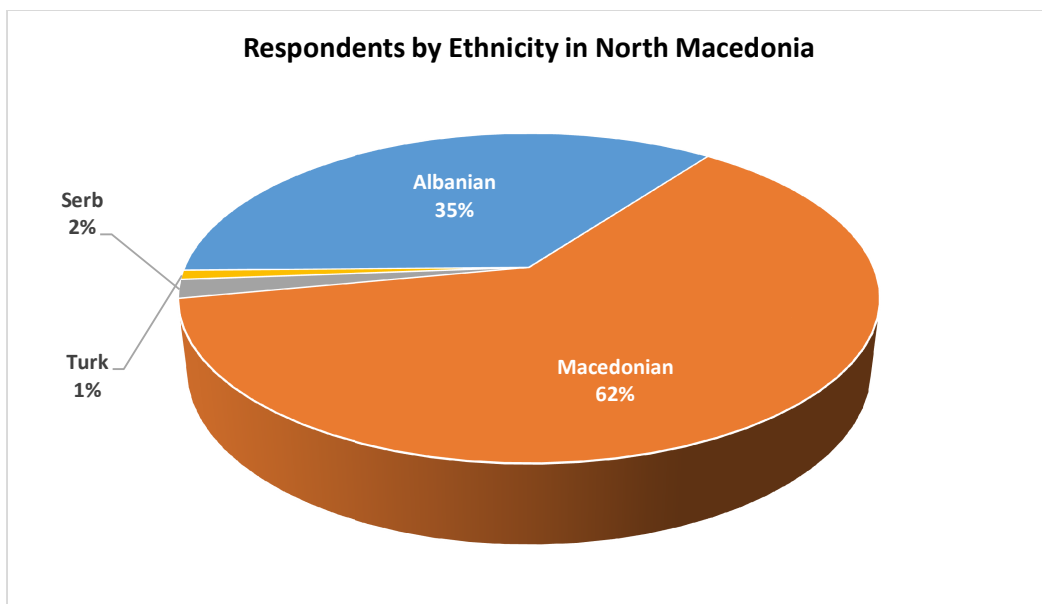


Figure 16 - Respondents by ethnicity North Macedonia

In North Macedonia, the ethnic distribution of respondents was as pictured above, 68 individuals or in percentage 62% were Madocedonian ethnicity, 39 individuals or in percentage 35% were Albanian, while two individuals or 2% were Serb, and lastly 1 Turk or in percentage 1% took part in the survey.

13.5 Kosovo Findings

The ethnicity of the respondents in Kosovo, in total 110 individuals, was surveyed, 58 individuals were of Albanian ethnicity, 25 Serbian, 11 Ashkali, Bosnian 2, Egyptian 3, Gorani 1 Roma 4 and Turk 6.

Out of 58 Albanians surveyed, 28 individuals (19 women and nine men) noted that they know their municipalities' local community protection mechanisms. Fourteen individuals (eight women and six men) noted that they are not aware of LCPM. In addition, 16 Kosovo Albanians (11 women and five men) answered that they are unsure if CPM exist in their respective municipalities.

Out of 25 surveyed Kosovo Serbs on the question, if they are aware of local CPM in their municipalities, 16 (8 women and eight men) have noted that they are aware of their existence. Six Kosovo Serb individuals (three women and three men) have noted that they are not aware of the local CPM

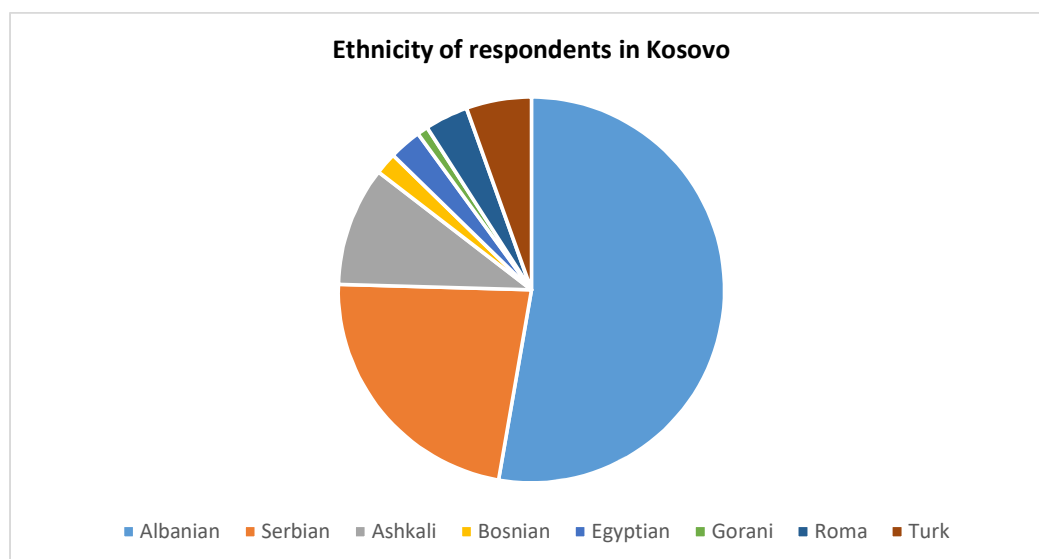


Figure 17 - Respondents/ethnicity

Are you aware of the existence of the local CPM in your municipality?

On question one in Kosovo, these are the findings; out of 58 Kosovo Albanians interviewed, only 28 individuals stated that they are aware of the community protection mechanism in their respective municipalities. Therefore, only 48% of respondents interviewed from Kosovo Albanians were aware of those mechanisms for community protection. Gender wise, in total, 38 females have been interviewed, these are the result of the findings, 8 Kosovo Albanian females noted that they are not aware of the existence of the community protection mechanisms, 11 were not sure, while 19 of interviewed females noted that they are aware of the existence of these mechanisms. While 20 Kosovo Albanian males have been interviewed, nine stated that they are aware of the mechanisms on community protection, six stated that they are not aware, and five stated that they are not sure.

Kosovo Albanian finding results

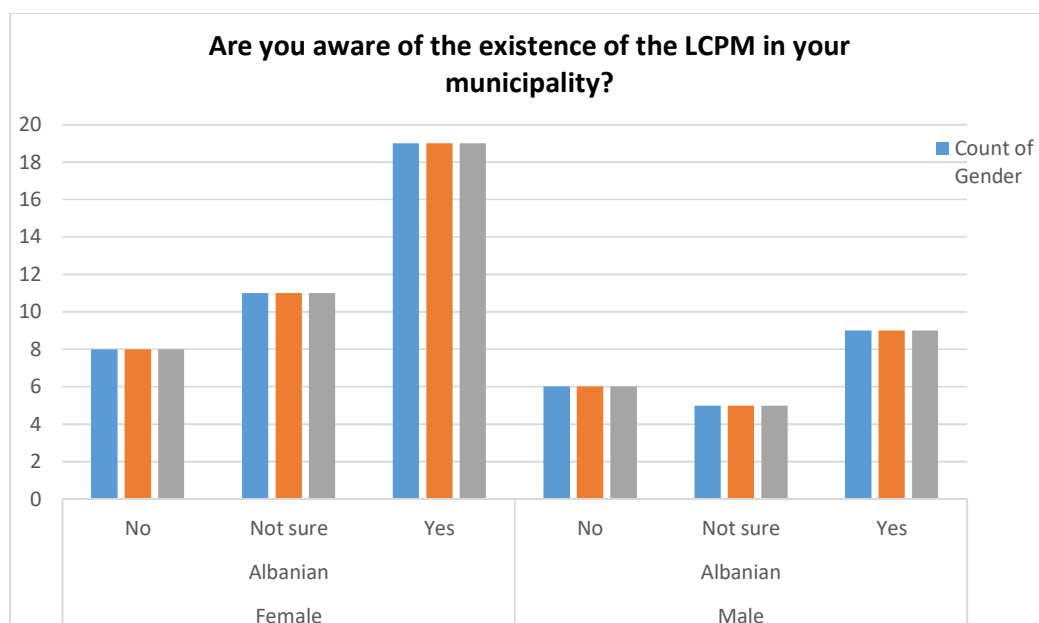


Figure 18 - Kosovo Albanian respondents/ethnicity and gender

Kosovo Serb detailed findings:

Out of 25 Kosovo Serb respondents, 16 stated that they are aware of the community protection mechanisms; in total, 64% of the Kosovo Serb community group interviewed has information on the existence of the mechanisms. In total, 12 Kosovo Serb females and 13 Kosovo Serb males have been surveyed. Eight of Kosovo Serb female respondents noted that they are aware of the community protection mechanisms; three were unaware, while one Kosovo Serb female stated they are not sure of the community protection mechanisms. In total, 13 Kosovo Serb male respondents completed the survey; eight noted that they are aware of community protection mechanisms, three stated that they do not know of their existence, and only two were not sure of their existence.

Kosovo Serb finding results

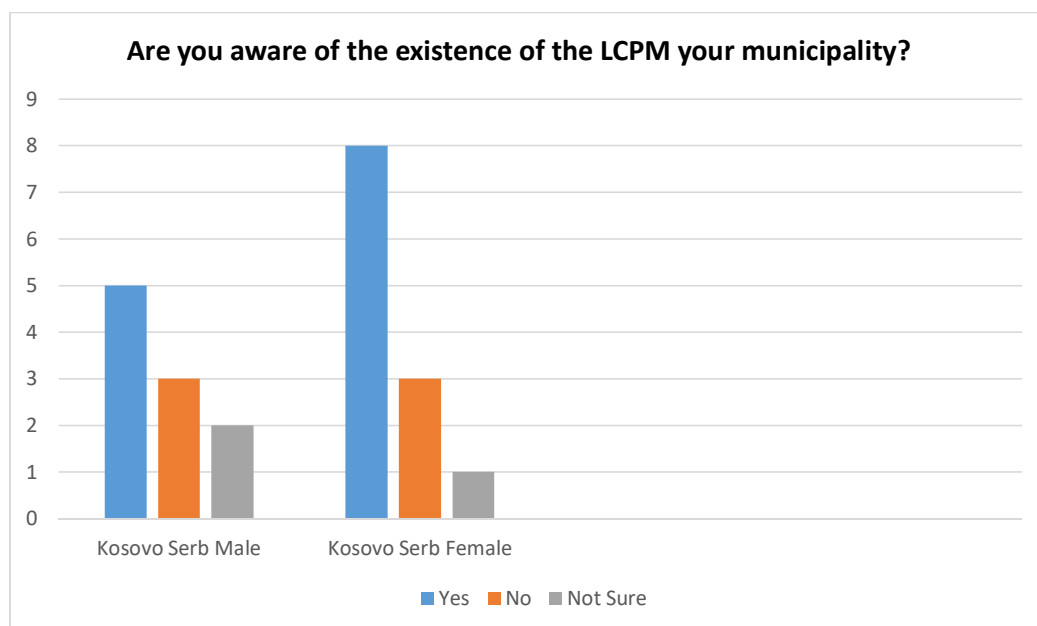


Figure 19 - Kosovo Serb respondents/ethnicity and gender

Kosovo Ashkali detailed findings:

Out of 10 Kosovo Ashkali, all were male respondents, and no females have been interviewed. Out of 10 Kosovo Ashkali respondents, 7 of them noted that they are aware of the CPM(70%), while only two stated that they are not aware, and one noted that that is not sure of the existence of the mechanisms.

Kosovo Ashkali finding results

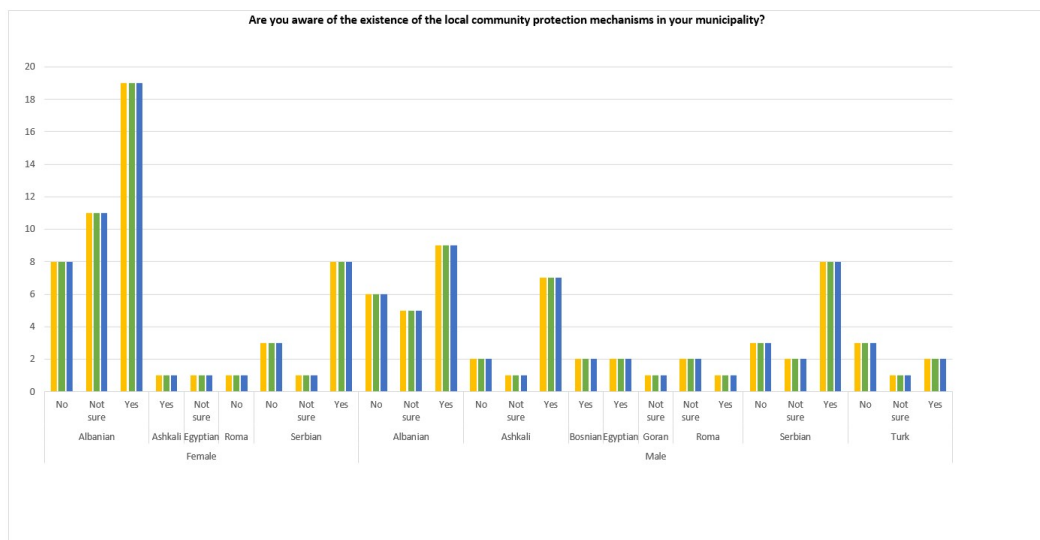


Figure 20 - Kosovo Ashkali respondents/ethnicity and gender

Kosovo Bosniak detailed findings:

Out of 2 Kosovo Bosniak respondents, all were male respondents, and no Kosovo Bosniak females were interviewed. However, out of 2 Kosovo respondents, both of them noted that they are aware of LCPM.

On the question of the knowledge of the functions and duties of the local community protection mechanisms, the following are the findings. Out of 110 respondents, 49 noted that they know the functions and duties of the LCPM, while 55 noted that they are unaware of the local community protection mechanism's obligations.

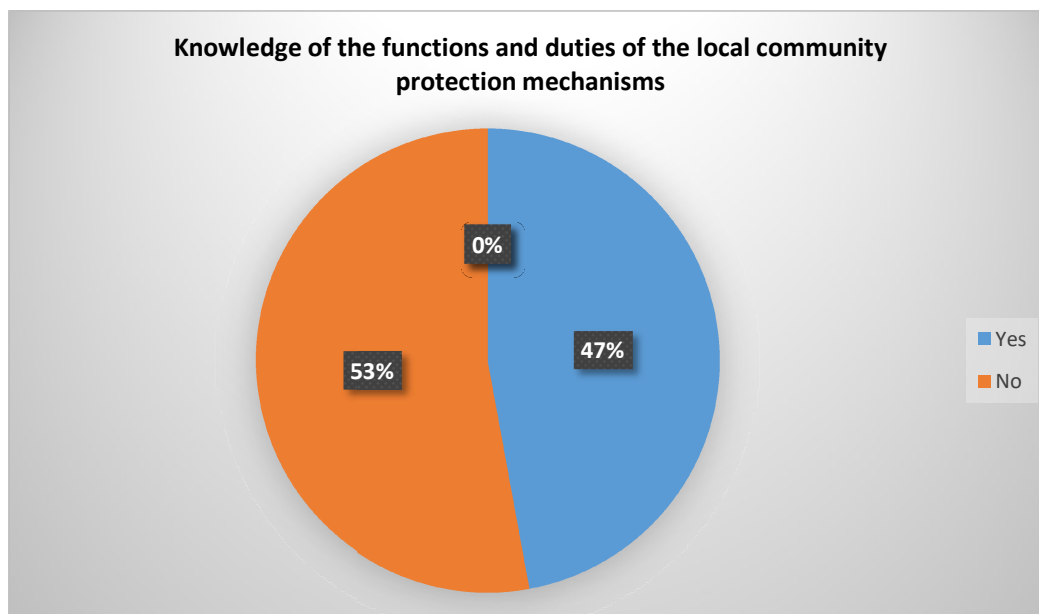


Figure 21 -Knowledge of the functions and duties of the local community protection mechanisms

Out of these respondents, it is worth noting that 30 Albanians (19 women and 11 men) noted that they are unaware of the duties and functions, while 28 Albanians (19 women and nine men) noted that they are aware of the functions and duties of these community protection mechanisms. In total, 25 Serbs were surveyed, 12 Serb individuals (four women and eight men) stated that they are not aware of the functions and duties of local community protection mechanisms, while 13 Serbs (eight women and five men) noted that they are aware of mechanisms duties. Out of 11 Kosovo Ashkali surveyed, six (one woman and five men) noted that they are not aware of the functions and duties of the local community protection mechanisms, while only five (all men) noted that they are aware of the duties and functions of the community protection mechanisms. In total, 3 Egyptians were interviewed; one individual (women) stated that they are not aware of the duties and functions of the community protection mechanisms, two individuals (both men) stated that they are aware of these duties. Only one Gorani (men) was surveyed and has noted that he is not aware of the duties and functions of the community protection mechanisms. Four Roma in total were surveyed (1 woman and three men), out of which three noted that they are not aware of the duties of community protection mechanisms, while only one was aware of these duties. Out of six Turks

(all men) interviewed, four noted that they are not aware of duties of community protection mechanisms, while two of the respondents noted that they are aware of these duties and functions. Finally, two Bosnians (men) have been surveyed and noted that they are unaware of the duties and functions of community protection mechanisms.

On the following question on the role of the local CPM should be, the following answers were provided,

On the following question, have you ever addressed an issue with local community protection mechanisms? The findings are the following: out of 110 respondents, a worrying percentage of 86 individuals have not ever raised an issue with local CPM in Kosovo. In contrast, only 24 individuals have reported addressing issues through these mechanisms. Ethnical division of communities that have raised issues with local CPM is the following, 11 Albanians (six women, five men), seven Serbs (four women, three men), five Ashkali (all men) one Egyptian (men).

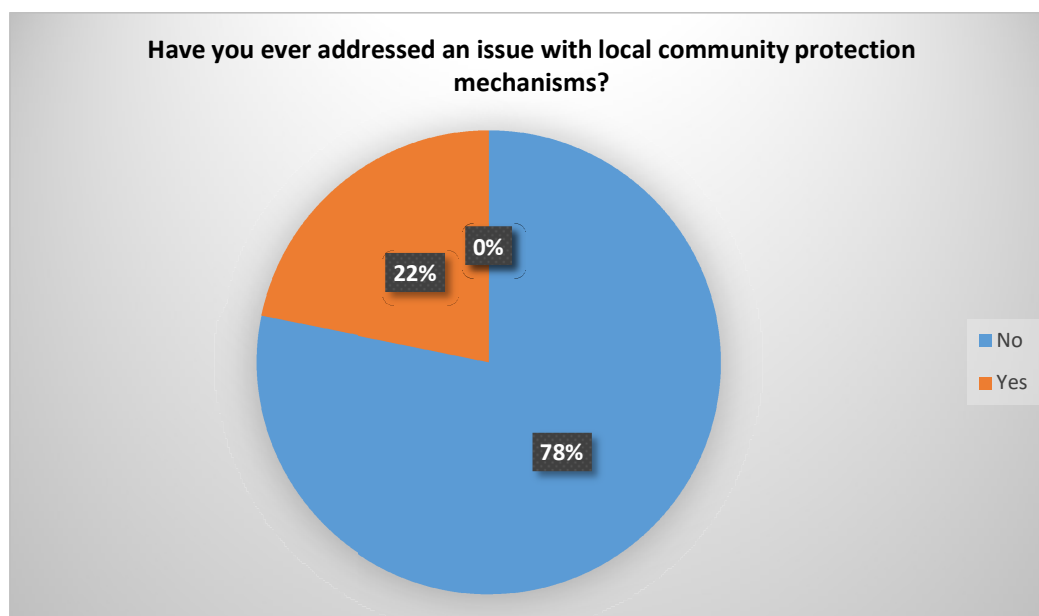


Figure 22 - Have you ever addressed an issue with local community protection mechanisms

On the question, what do you think the role of the local CPM should be?

29 individuals (14 Albanians, nine Serbs, three Ashkali, one Egyptian, and two Turk) noted that CPM should be to address issues that communities in the numerical minority have. In addition, while in a total of 43 individuals (21 Albanians, 14 Serbs, five Ashkali, one Egyptian, one Roma, and one Turk), CPM should advocate for communities' rights and interests in a given municipality. Finally, 31 individuals surveyed (23 Albanian, two Serb, one Egyptian, three Ashkali, and three Roma) noted that the role of the LCPM should be discussing community rights and protection.

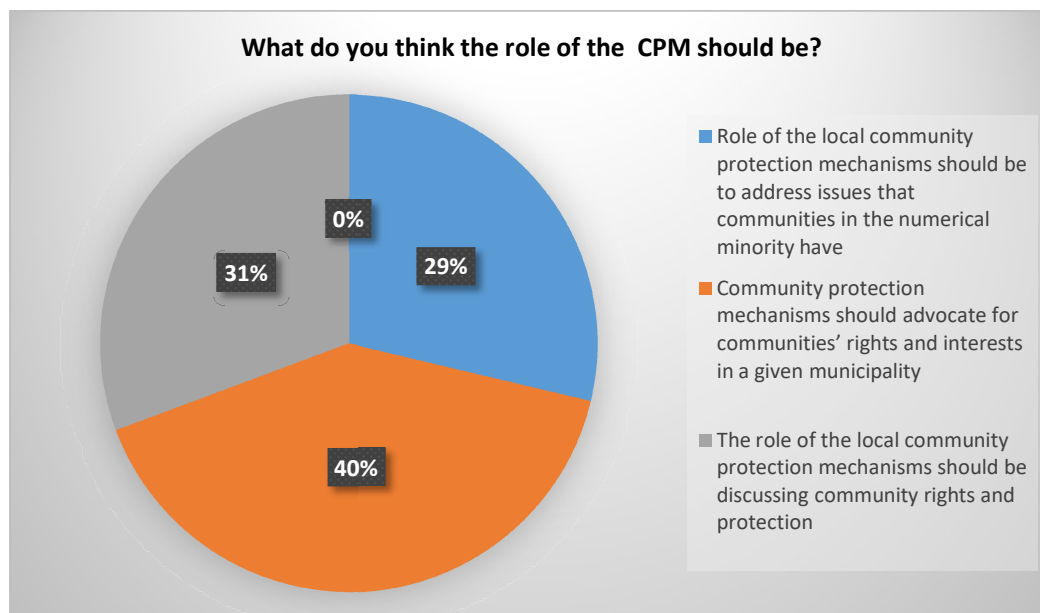


Figure 23 - What do you think the role of the CPM should be

On the question on communities' opinion, are CPMs a helpful tool for community inclusion and integration?, the following answers have been provided.

Out of 110 surveyed respondents, 29 individuals noted that local community protection mechanisms' existence addresses issues that communities in the numerical minority have (14 Albanians, nine Serb, three Ashkali, one Egyptian, and two Turk). Forty-one individuals responded that the community protection mechanisms' role in their municipalities should advocate for communities' rights and interests in a given municipality (21 Albanians, 14 Serb, four Ashkali, one Gorani, one Egyptian, one Turk, one Roma). Concluding, 31 individuals surveyed noted that the role of the CPM is to discuss community rights and protection.

On concluding question, are CPM valuable for community inclusion and integration? The following results have been received. Out of 110 surveyed individuals, 41 respondents noted that CPM are handy for addressing community concerns and interests (26 Albanians, nine Serb, three Ashkali, two Bosnian, one Turk). However, forty-seven individuals surveyed have stated that CPM are nothing more than a legal obligation that needs to be fulfilled by institutions in Kosovo (21 Albanian, 10 Serb, six Ashkali, two Egyptian, one Gorna, two Roma, and five Turk). In contrast, 21 respondents were unsure if CPM are helpful for community inclusion and integration (11 Albanians, six Serb, one Egyptian, two Roma, one Ashkali).

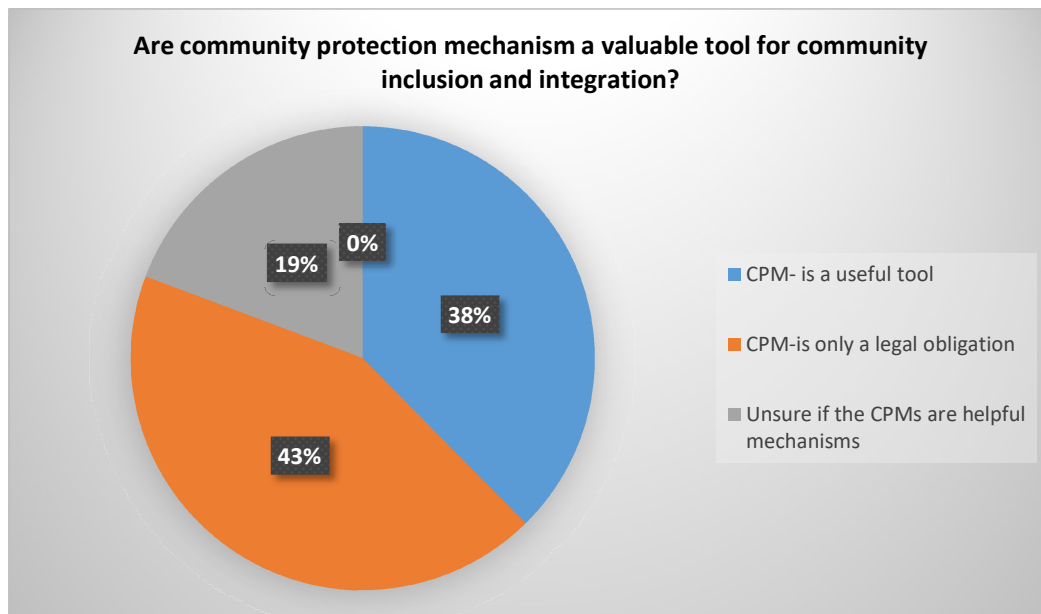


Figure 24 - Are community protection mechanism a valuable tool for community inclusion and integration

13.6 Findings Macedonia

In total 110 individuals, was surveyed; 68 individuals were of Macedonian ethnicity, 39 of Albanian ethnicity, two Serb, and one Turk.

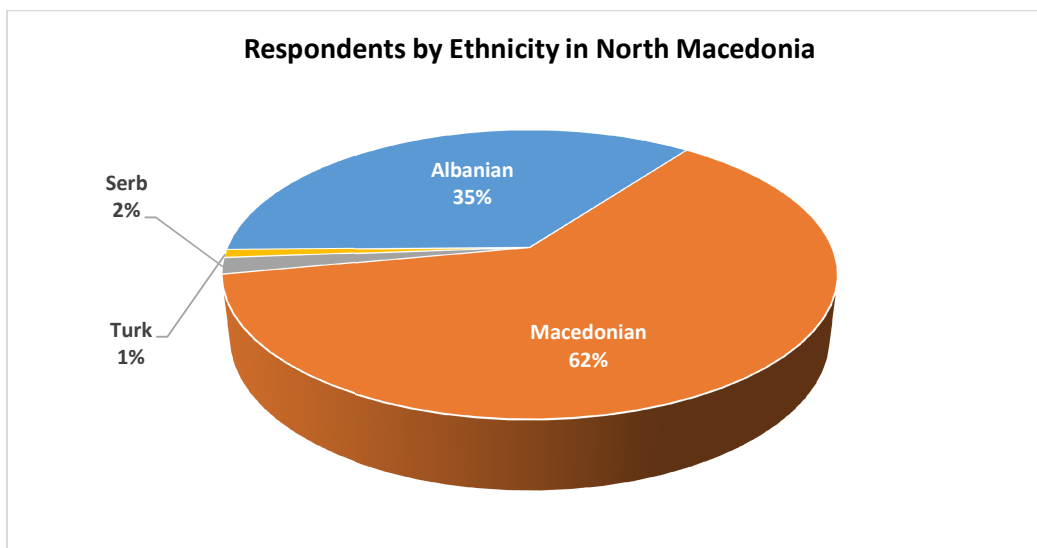


Figure 25 - Respondents by ethnicity North Macedonia

On the question Are you aware of the existence LCPMin North Macedonia, the following are the results:

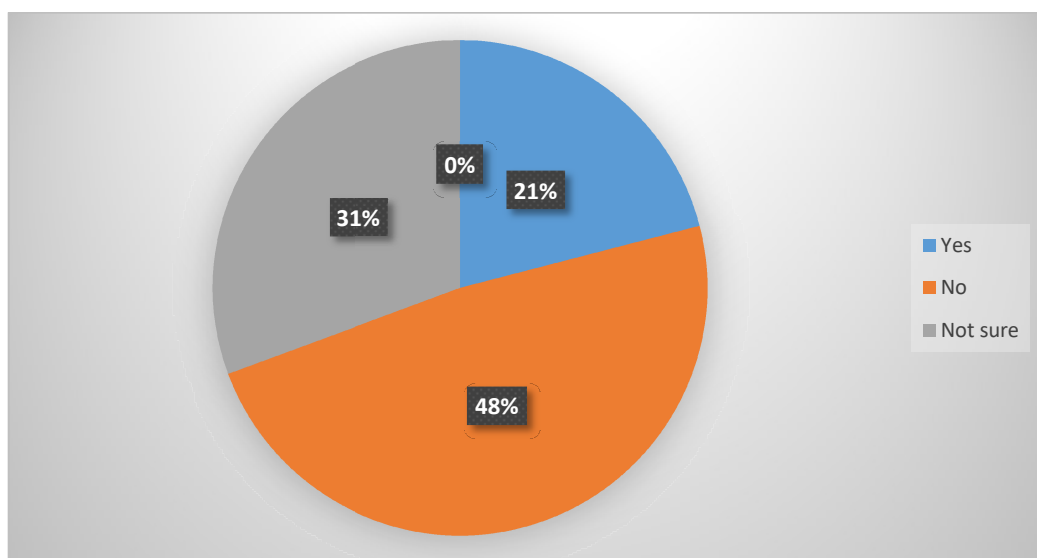


Figure 26 - Macedonian respondents awareness of the existence of mechanisms

In North Macedonia, these are the results of the findings; out of 68 interviewed Macedonian's, only 13 individuals stated that they are aware of the CPM in their respective municipalities. In percentage, only 21% of respondents interviewed from Macedonias were aware of those mechanisms for community protection. While, 35 out of 68 Macedonian respondents have stated that they are not aware of the local protection mechanisms, constituting 48.39% of individuals who are not acquainted with these community protection mechanisms. At the same time, 20 Macedonian individuals, or 30.65%, noted that they are unsure of the existence of the CPM. In Macedonia, these are the results of the findings; out of 39 interviewed Albanians, only 21 individuals stated that they are aware of the CPM in their respective municipalities. 11 ethnic Albanians have noted that they are aware of the community protection mechanisms. In contrast, seven surveyed Albanians living in North Macedonia noted that they are not sure of the existence of CPM.

In Macedonia, these are results of the findings; out of 2 interviewed Serbs, only one individual stated that they are aware of the CPM in respective municipalities, while one surveyed Serb living in North Macedonia noted that they are not sure of the existence of the CPM.

In North Macedonia, these are the results of the findings; The interviewed Turk stated that they are not aware of the CPM in their respective municipalities.

Are you aware of the duties and functions of the CPM in your municipality? These are the findings in North Macedonia. Out of 110 surveyed individuals in North Macedonia, 72 individuals noted that they are not aware of the duties and functions of community protection mechanisms. Ethnical division of knowledge of the duties and responsibilities is as follows, 22 Albanians (27%), and 59 Macedonians (71%), one Turk (1%) and one Serb (1%) out of 110 do not know these functions.

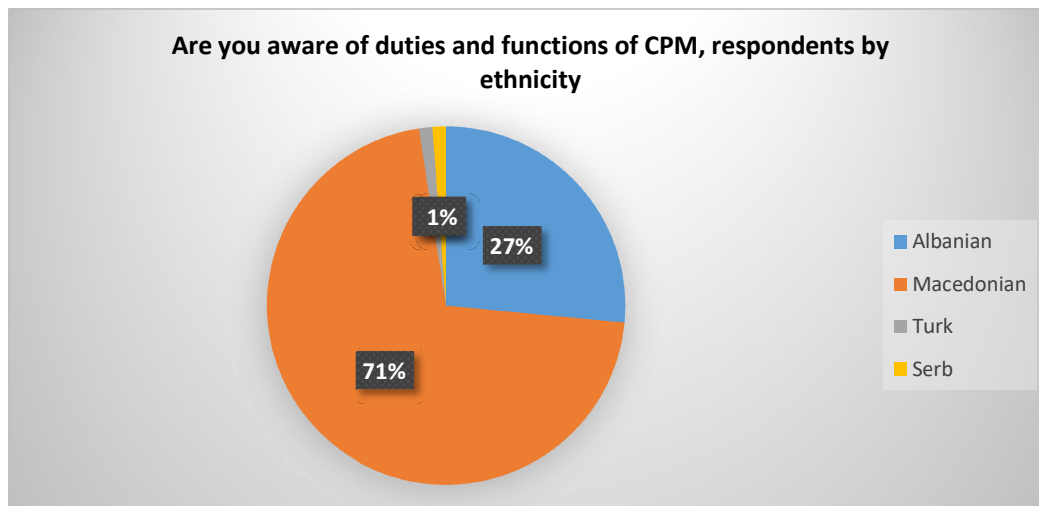


Figure 27 - Are you aware of duties and functions of CMP, respondents by ethnicity

On the following question, have you ever addressed an issue with local community protection mechanisms? The findings are that out of 110 respondents, a worrying percentage of 108 individuals have not ever raised an issue with local community protection mechanisms. Moreover, ethnically speaking, no Albanians, Serbs, or Turk have raised an issue with the institutions, while out of 68 Macedonians, only two have noted that they addressed the CPM in Macedonia.

On the following question on what the residents of North Macedonia think the local CPM should be, the following answers the question raised.

22 respondents out of 110 noted that the role of the CPM should be to address issues that communities in the numerical minority have. In addition, 60 out of 100 respondents interviewed noted that the CPM should advocate for communities' rights and interests in a given municipality. In conclusion, 30 individuals noted that the local CPM should discuss community rights and protection.

On the final survey question, are CPMa valuable tool for community inclusion and integration? The following are the answers provided. First, 49 out of 110 respondents surveyed noted that community protection tools are handy for addressing community concerns and interests. Second, 32 out of 110 respondents surveyed noted that CPMare a legal obligation that must be fulfilled. Finally, 7 out of

110 respondents are unsure if CPM is useful for community inclusion and integration.

13.7 Hypothesis Verification

Therefore, at the Kosovo level, the first hypothesis if the CPM have been designed and their existence is ensured, we can conclude that this hypothesis is confirmed. This translates into the factual and empirical analysis, as all Kosovo municipalities should establish community protection mechanisms, a legally binding requirement for all Kosovo municipalities. Their existence and functionality are ensured initially by Kosovo Constitution, the chapter on community rights and interests.

With the hypothesis, if the CPM have been designed and their existence is ensured, we can conclude that this hypothesis is partly confirmed. However, compared to Kosovo, in North Macedonia, not all municipalities should establish community protection mechanisms. The analysis shows that out of 80 municipalities in North Macedonia, only 29 municipalities are legally required to create these mechanisms. Nevertheless, article 55 of LLSG in Macedonia ensures their existence and functionality. The law conditions the establishment of CPM in North Macedonia on the "LPPRCMK" (Gazette, 2008).

This is practicality, which means that if a community in a municipality has less than 20%, CPM "are not a municipal obligation, compared to Kosovo, where even mono-ethnic municipalities should create these mechanisms" (Binaku, 2021).

The second hypothesis, if CPM are functional and benefit all communities, it can be stated that ten CPM have been established in Kosovo, and most are functional. In addition, in Kosovo, a system exists to monitor the functionality of the community protection mechanisms. For example, municipalities are obliged to make sure that they also report to the central level on several meetings, issues discussed, elections of the members. Furthermore, in most cases (if not all), international organizations and civil society organizations monitor the community protection mechanisms' proceedings (OSCE and UN).

Therefore, we can conclude that in the case of Kosovo, CPM are established in all municipalities, and it be stated that out of their existence, all communities in Kosovo benefit from their creation equally.

In the case of North Macedonia, the mere fact that out of 80 municipalities in North Macedonia, only 29 municipalities are legally required to create these mechanisms leaves 51 other municipalities and communities residing in those municipalities underrepresented and vulnerable.

CPM in Kosovo and Macedonia are established and functional, benefitting all communities equally; a system exists to as set in provisions establishment and functionality;

The establishment of CPM in Kosovo and Macedonia is in line with the best international practices such as UN and European Convention on safeguarding the rights of communities;

It can be noted that both Kosovo and North Macedonia's institutional and legal framework of CPM is in line with the international practices ensuring the safeguard of rights of communities. North Macedonia is a member of international organizations, while Kosovo not. Kosovo but it has pledged the applicability of such international treaties and obligations with its article 22 of its Constitution. In both countries, it can be stated without hesitation that legislation and mechanisms are in line with the best internationally recognized practices of community protection. Therefore, the establishment of CPM in Kosovo and Macedonia is in line with the best international practices on safeguarding the rights of communities.

Concerning the fourth and final hypothesis on differences between CPM in Kosovo and Macedonia, concerning f mechanisms, composition, authority, the following differences can be noted:

- In Kosovo, at the local level, there are ten community protection mechanisms;
- In Macedonia, there is one CPM
- Kosovo, all 38 municipalities do have an obligation to create CPM;
- In Macedonia, only 36% of municipalities are obliged to create this one mechanism;
- In Kosovo, the existence, composition, authority is regulated by respective laws and subsequent administrative regulations;
- In Kosovo, all municipalities reported that the municipal statute regulates the composition and establishment of committees;
- In North Macedonia, the composition authority is also regulated by law and regulation;
- In North Macedonia, only 12% of CIRC's have work plans, and only 12% of these committees have made recommendations to municipal institutions in the last three years.
- In North Macedonia, 57% of municipalities have noted that the composition of the committees is foreseen by municipal statute;
- In North Macedonia, only 8% of these committees have an allocated budget for their activities.

Chapter XIV Recommendations

After careful review and analysis of the legislative framework of the CPM in Kosovo, Macedonia, the following recommendations are provided to ensure these mechanisms' efficiency and functionality are improved. As stated, these recommendations stem from the empirical study and surveying done to assess their functionality. In addition, submissions will also serve public institutions in Kosovo and North Macedonia on how the legal and institutional framework should enhance not only community rights but also the rights of citizens.

The established practice in Kosovo's case concerning establishing CPM at the local level without any quota should be applied in North Macedonia. Therefore, replication of Kosovo's community protection mechanism (especially CC) at the local level could be valuable for North Macedonia in advancing community rights protection at the local level. The Law on Local governance 55 should be explicitly amended on Commission for Inter-Community Relations for this to be done. Amending the Law and endorsing Kosovo's institutional practice to make this local community protection mechanism in North Macedonia mandatory would help improve communities' rights and interests. All this is in line with the above-used definition of CPM as tools to promote communities' rights, and their creation should not be politicized. In line with the potential legislative changes, the Ministry of Local Government in North Macedonia should initiate the drafting of relevant Administrative Instructions on the functionality and obligations of the CIRC's in all municipalities.

In Kosovo, the establishment of CCs has also been the case in mono-ethnic cities, which should also be reflected in North Macedonia. In both countries, information details on members of CC and CIRC's should be made public and accessible to the general public. This would enable residents to know the right contacts and addresses their potential citizen concerns.

An additional section in the respective municipal website on duties and responsibilities of community protection mechanisms would also improve and enhance the information on the functionality of CCs and CIRC. Municipalities in both countries should also assign a budget line for the CCs and CIRC. This budget would serve as the community protection mechanism for outreach, planning, networking, assessing and evaluating community protection issues, and providing recommendations to central and local institutions. CCs and CIRC should develop annual action plans of activities they want to organize according to the municipal assembly's action plan. Meetings of CCs and CIRC should reflect the action plan and agenda of the municipal assemblies. The meetings of CCs and CIRC should be organized every month, and their organization should be scheduled before the municipal assemblies' meetings. Their meeting should contain a pre-set agenda (unless they have a security or community concern) and provide recommendations for the upcoming municipal assembly session to improve the community situation. Meeting minutes of the CCs and CIRC should be included in the municipal assembly material, and a short point on the agenda of municipal assemblies should be foreseen on previous discussions and decisions of this forum.

The municipal legislative's support is suggested to be provided; the municipal executive should also support the CCs and CIRC. The municipal executive's support to CC and CIRC are information sharing on ongoing municipal projects, budget planning, infrastructural projects to be implemented in community areas, and last but not least, attendance of executive leadership in meetings of CCs and CIRC. A recommendation worth considering for North Macedonia would be establishing the committee for relations between the committees throughout the territory of Macedonia (as is the case of Kosovo). The establishment of such a mechanism would be beneficial for local governments in North Macedonia; as compared to Kosovo, Macedonia, statistically speaking, has more communities in its population structure than Kosovo. In Kosovo, in advancing the rights of communities and residents in addressing issues of interest, a budget line for the duties and responsibilities of the CC should be allocated. This budget line allocated to the CC would assist in implementing outreach, information sharing, and exchange and enable the CC to be more proactive in tackling community-related issues and concerns. In Kosovo,

municipal assemblies at the beginning of the year approve draft work plans consisting of planned legislative agendas, budget approval, and review decisions. Like Kosovo's municipal assembly works plans, CC should follow the same practice at the beginning of the year and, in principle, mirror their actions according to the MA agenda. Like monitoring the work of the MA in Kosovo, the CC's work should be monitored by the MLGA. Monitoring the CC's work would motivate the forum, while the institution would also gather data and insights on challenges and success stories deriving from CC meetings. Constant monitoring would provide an excellent opportunity to assess policy decisions and assess needed and necessary amendments to make the forum more responsive, efficient, and functional in tackling community-related matters.

To further promote and advance the CC's work, a tailored training program should be envisaged and implemented throughout the four-year mandate in Kosovo. In practice, the training provision for the CCs regarding their duties, obligations, and responsibilities is usually made at the beginning of their mandate; after that induction training, CCs then rarely, if not ever, do not receive any additional training. In cooperation with the KIPA and Ministry of Local Governance Administration, devise a training program stretched during the mandate of the CC. The training program would considerably improve the CC's functionality and the situation of communities residing in the municipalities of Kosovo. To improve the communication between the municipality, residents, and committee members, the CC meeting should be kept public, advertised in advance, and published through the municipal website. Residents of municipalities should be allowed to cooperate and provide issues of concern to the municipalities through this precisely tailored mechanism. To make the CC's work more visible, meetings should be broadcast through platforms. The mayor's attendance in meetings of the CC is highly advisable and recommendable; as the leading executive structure, the mayor would receive first-hand information on challenges that residents and communities face in addressing community rights and concerns. A worth taking recommendation would be applying the exchange study visits between the CC and CIRC in exchanging information and good practices between the two mechanisms. This is part of the institutional reform in cooperation with the central level ministries (Ministry of Local

Government Administration). Challenges, success stories, and ways to improve community welfare would aim at these forums. Recommendations provided above in the case of Kosovo, North Macedonia undertake necessary legislative reforms, particularly to the LLSG in addressing community rights issues. Amendments related to making the existence of CIRCs obligatory in all municipalities across North Macedonia.

A recommendation is to amend the LPPRMC to ensure that language rights are respected and communities can freely express and address their issues in their mother tongue with public institutions. As described in detail in the tables above, Kosovo has a set of local community institutions (ten), while there is only one in North Macedonia's local governance structure. A worth taking recommendation would be to create at least an additional local community protection mechanism, similar to Kosovo's case, to MCSC in Kosovo. This recommendation aligns with the best international practices and principles on community-based protection, specifically those displaced persons of humanitarian organizations. UNHCR advises that principles of community protection engagement include principles that 'persons of concern of all ages and genders and from all diversity groups can participate in decision-making'.

Chapter XV Conclusion

In conclusion, Kosovo and North Macedonia are both young democracies in their path of institutional development, have faced challenges, and have endorsed policies and CPM in line with international standards and requirements. “Kosovo and North Macedonia legislation refer to international treaties and conventions. They have used these guiding treaties to advance community rights and interests of particular ethnic community groups in line with the Declaration's requirements on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities. However, Kosovo is not a member of the United Nations or Council of Europe; article 22 of the Kosovo Constitution refers to the direct applicability of international agreements and instruments” (Binaku,2021). In case of conflict between domestic and international instruments, “international instruments have priority over local legislation of acts of public institutions. Both Kosovo and North Macedonian legislation does refer to communities, but not clearly and succinctly does provide a clear understanding of what it exactly means and entails” (Binaku, 2021). These introduced mechanisms have greatly re-shaped both countries' institutional skeleton and legislation framework.

In Kosovo, at least “12 Laws regulate community protection at the central and local levels. Those are Law on Use of Languages,” Law on the Protection and Promotion of the Rights of the Communities and their Members in Kosovo” (Binaku, 2021), The “Anti-Discrimination Law, Law on Education in the Municipalities, Law on the Civil Service, Law on Local Elections, Law on General Elections, Law on Education, Law on Radio Television of Kosovo, Law on Cultural Heritage, Law on the Establishment of Special Protective Zones” (Binaku, 2021). In North Macedonia, Law on Local Self-Government, Law on the Use of Flags of the Communities North Macedonia Constitution, Law on the Promotion and Protection of the Rights of the Members of the Communities Which Are Less than 20% in the population in the Republic of Macedonia. According to the applicable legislation, municipalities must establish five CPM at Kosovo's local level. Out of these “five mechanisms, three (CC, MCSC, and MOCR) are mandatory for all 38 municipalities in Kosovo. Simultaneously, establishing the DCMAC and DMC position is obligatory only for municipalities where

at least 10% of citizens belong to Kosovo's non-majority communities” (Binaku, 2021).

In North Macedonia, only one community protection mechanism is established locally, differentiating hugely from Kosovo in structure, legal requirement, and functionality. The CIRC establishment case's legal requirements are relatively legally optional compared to Kosovo. CIRCs are a” requirement of municipalities where at least 20% of the citizens are of an ethnic background different from the majority population”. (Gazette, 2008). The CIRC in North of Macedonia is an equivalent community protection mechanism as the “CC in Kosovo, but as stated above, duties and responsibilities differ hugely. In addition to the above, some mono-ethnic municipalities have established CPM in Kosovo, although legally not required. This “has been the case of the municipalities of Hani i Elezit and Kaçanik” (Binaku, 2021).

The Comprehensive Proposal for Status Settlement's central pillar in Kosovo was community protection and legislation, and it formed a basis for the future legislative framework of CPM. Kosovo and former SFRY entities in the former Federation have not had institutional setting mechanisms to protect and promote communities' rights. Simultaneously, changes introduced after the SFRY breakup on CPM are seen as tools to promote and protect community rights and lessen human rights violations and potential conflict arising from gross human rights violations. Compared to former SFRY entities, Kosovo had a distinctive experience of how its institutions were created, and the path towards independence differed considerably from other federal entities.

In the last decade of the 20 century, Kosovo has gone through institutional break and pause, while only partially Kosovo institutions functioned as parallel structures, with minimal functionality mainly on education and health provision. The U.N. administration established the Kosovo 'Provisional' institutions during the first decade of the current century. The institutions were created due to free and democratic elections; the U.N. administration was still in charge of the country's democratically elected government. U.N. administration's main aim was to maintain the status quo/peace and security than institutional and democratic institutional development. U.N. authority situation was a robust centralized system rather than a

decentralized form of governance, providing very restricted access to security and public safety governance. This practice and approach made Kosovo's institutions fragile and dependent on and gave local institutions a limited field of action in governing and legislative reform.

The declaration of independence of Kosovo, institutions started the genuine legislative reforms needed and aligned with the proposal. These constitutional and legislative reforms on the CPM aim to devolve and share powers in addressing local security and safety issues dealt of the central level institutions into local institutions. This way, local empowerment would also be promoted, and local institutions should be ready and capable of undertaking tasks and responsibilities. The laws that were required to be endorsed and implemented to make community protection mechanism and community rights compliant with the Ahtisaari plan introduced the constitution of Kosovo. The Kosovo constitution also provides rights on issues; thus, it states that there are two official languages in the country.

Kosovo's constitution devotes one complete Chapter on communities and their members' rights to the constitutional guarantees of equality and language use. The laws approved to extend their scope on community representation issues in public affairs, through posts that are 'guaranteed' for communities, ensuring representation and integration. Notably, the law that interests us the most in developing this thesis is the LLSG; this law envisages few mechanisms for protecting and promoting community rights in Kosovo. In addition to the Constitutional amendments, a community protection mechanism was established at the Office of the Kosovo President, the CCC. While the office of Ombudsperson, Language Commissioner was provided with additional authorizations and duties to make sure that the rights of communities were respected. To monitor the implementation of the CPSS agreement, International Civilian Office made sure that the provisions in the agreement were fully integrated into Kosovo's legislative and institutional framework.

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Annexes:

Annex I: Institutional analysis questionnaire

English, Albanian, Serbian, Macedonian

Annex II: Residents analysis questionnaire

English, Albanian, Serbian, Macedonian

Annex I: Institutional analysis questionnaire

English

1. Does your municipality have a legal obligation to establish a Commission for Inter-Community Relations (Macedonia Article 55 of the Law on Local Self-Government Macedonia) Committee for Communities (Kosovo, Article 53 of the Law on Local Self-Government):
2. Have you established a commission for Inter-Community Relations (Macedonia), a Committee for Communities (Kosovo)?
3. Is the election of members of the commission for Inter-Community Relations (Macedonia), the Committee for Communities (Kosovo), regulated by the municipality's statute?
4. Please indicate how many of the Inter-Community Relations (Macedonia) members CC (Kosovo) are at the same time members of the Municipal Assembly and how many are external members?
5. Is the information (name, surname, telephone, e-mail) of the members of the Inter-Community Relations (Macedonia), the CC (Kosovo), posted on the municipality's website?
6. Does the commission for Inter-Community Relations (Macedonia), the Committee for Communities (Kosovo), have an annual work plan?
7. Does the Commission for Inter-Community Relations (Macedonia), the Committee for Communities (Kosovo), have a budget provided/approved for implementing its program?
8. Has the Commission for Inter-Community Relations (Macedonia), the Committee on Communities (Kosovo) made any recommendations in the last three years?

9. Is the commission for Inter-Community Relations (Macedonia), the Committee for Communities (Kosovo) functional?
10. What should be done to improve the Commission's functioning for Inter-Community Relations (Macedonia), the Committee for Communities (Kosovo)?

Albanian

1. A ka komuna juaj obligim ligjor për të themeluar Komisionit për Marrëdhëniet Ndër-Komuniteteve neni 55 i Ligjit për vetëqeverisje lokale të Maqedonisë) Komiteti për Komunitete (Kosovë, neni 53 i Ligjit për Vetëqeverisje Lokale):
2. A keni themeluar një Komision për Marrëdhënie Ndërmjet Komuniteteve (Maqedoni), Komiteteti për Komunitete (Kosovë)?
3. A është e rregulluar me statutin e komunës zgjedhja e anëtarëve të Komisionit për Marrëdhëniet Ndër-Komuniteteve ndërmjet bashkësive (Maqedoni), Komisionit për Komunitete (Kosovë)?
4. Ju lutemi tregoni sa nga anëtarët e Komitetit për Komunitete për Marrëdhëniet Ndër-Komuniteteve (Maqedoni) (Kosovë) janë në të njëjtën kohë anëtarë të Kuvendit Komunal dhe sa janë anëtarë të jashtëm?
5. A janë të publikuara në ueb faqen e komunës informatat (emri, mbiemri, telefoni, posta elektronike) e anëtarëve të Komisionit për Marrëdhënie Ndërmjet Komuniteteve (Maqedoni), Komitetit për Komunitete (Kosovë)?
6. A ka Komisioni për Marrëdhënie Ndërmjet Bashkësive (Maqedoni), Komiteti për Komunitete (Kosovë), plan vjetor të punës?
7. Komisioni për marrëdhënie ndërmjet komuniteteve (Maqedoni), Komiteti për Komunitete (Kosovë), a ka buxhet të paraparë/miratuar për zbatimin e programit të tij?
8. A ka bërë ndonjë rekomandim Komisioni për Marrëdhënie Ndërmjet Bashkësive (Maqedoni), Komiteti për Komunitete (Kosovë) në tre vitet e fundit?

9. A është funksional Komisioni për Marrëdhënie Ndërmjet Komuniteteve (Maqedoni), Komiteti për Komunitete (Kosovë)?
10. Çfarë duhet bërë për të përmirësuar funksionimin e Komisionit për Marrëdhëniet Ndër-Komuniteteve (Maqedoni), Komitetit për Komunitete (Kosovë)?

Serbian

1. Da li vaša opština ima zakonsku obavezu da uspostavi Komisiju za odnose između zajednica (Makedonija, član 55. Zakona o lokalnoj samoupravi Makedonije) Komitet za zajednice (Kosovo, član 53. Zakona o lokalnoj samoupravi(sad))
2. Da li ste osnovali komisiju za odnose među zajednicama (Makedonija), Komitet za zajednice (Kosovo)?
3. Da li je izbor članova komisije za odnose među zajednicama (Makedonija), Komiteta za zajednice (Kosovo), regulisan statutom opštine?
4. Molimo navedite koliko su članova Odbora za zajednice (Kosovo) za odnose među zajednicama (Makedonija) istovremeno i članovi Skupštine opštine, a koliko ostalih članova?
5. Da li su informacije (ime, prezime, telefon, e-mail) članova Odnosa među zajednicama (Makedonija), Komiteta za zajednice (Kosovo), postavljene na veb stranici opštine?
6. Da li Komisija za odnose među zajednicama (Makedonija), Komitet za zajednice (Kosovo), ima godišnji plan rada?
7. Da li Komisija za odnose među zajednicama (Makedonija), Komitet za zajednice (Kosovo), ima obezbeđen/odobren budžet za sprovođenje svog programa?
8. Da li je (Makedonija), Komitet za zajednice (Kosovo) dao neku preporuku u poslednje tri godine?
9. Da li Komisija za odnose među zajednicama (Makedonija), Komitet za zajednice (Kosovo) funkcioniše?

10. Šta treba učiniti da se poboljša funkcionisanje Komisije za odnose među zajednicama (Makedonija), Komiteta za zajednice (Kosovo)?

Macedonian

1. Дали вашата општина има законска обврска да формира Комисија за односи меѓу заедниците (Македонија член 55 од Законот за локална самоуправа Македонија) Комитет за заедниците (Косово, член 53 од Законот за локална самоуправа):

2. Дали имате формирано Комисија за односи меѓу заедниците (Македонија), Комитет за заедници (Косово)?

3. Дали изборот на членови на Комисијата за односи меѓу заедниците (Македонија), Комитетот за заедници (Косово), е регулиран со статутот на општината?

4. Ве молиме наведете колку од членовите на Комисијата на заедниците за односи меѓу заедниците (Македонија), (Косово) истовремено се членови на општината и колку се надворешни членови?

5. Дали информациите (име, презиме, телефон, електронска пошта) на членовите на Комисијата Односите меѓу заедниците (Македонија), Комитетот за заедници (Косово), се објавени на веб-страницата на општината?

6. Дали Комисијата за односи меѓу заедниците (Македонија), Комитетот за заедници (Косово), има годишен план за работа?

7. Дали Комисијата за односи меѓу заедниците (Македонија), Комитетот за заедници (Косово), имаат обезбеден/одобрен буџет за спроведување на нејзината програма?

8. Дали (Македонија), Комитетот за заедници (Косово) даде некои препораки во последните три години?

9. Дали функционира Комисијата за односи меѓу заедниците (Македонија), Комитетот за заедници (Косово)?

10. Што треба да се направи за да се подобри функционирањето на Комисијата за односи меѓу заедниците (Македонија), Комитетот за заедници (Косово)?

Annex II: English - Questionnaire on community protection mechanisms- Residents

The functionality of the local community protection mechanisms: Questions addressed to the general public

1). Are you aware of the existence of the local CPMin your municipality?

- a). Yes
- b). No
- c). Not sure

2). Are you aware of the functions and duties of the local community protection mechanism?

- a). Yes
- b). No

3). Have you ever addressed an issue with local community protection mechanisms?

- a). Yes
- b). No

4). What do you think the role of the local CPM should be?

- a). Discussing community rights and protections
- b). Address issues that communities in the numerical minority have
- c). Advocating for communities' rights and interests in a given municipality

5). In your opinion, are CPMs a useful tool for community inclusion and integration?

- a). A handy tool for addressing community concerns and interests
- b). A legal obligation that must be fulfilled
- c). Not sure

Shqip - Pyetësor mbi mekanizmat e mbrojtjes së komunitetit- Banorët

Funksionaliteti i mekanizmave të mbrojtjes së komunitetit lokal: Pyetje drejtuar publikut të gjerë

1) A jeni në dijeni me ekzistencën e mekanizmave lokale të mbrojtjes së komuniteteve në komunën tuaj?

- a) Po
- b) Jo
- c) Nuk jam i sigurt

2) A jeni në dijeni me detyrat dhe funksionet e mekanizmave lokale për mbrojtje së komuniteteve?

- a) Po
- b) Jo

3) A keni adresuar ndonjëherë një çështje me mekanizmat lokale për mbrojtje së komuniteteve?

- a) Po
- b) Jo

4) Cili mendoni se duhet të jetë roli i mekanizmave lokale për mbrojtje së komuniteteve?

- a) Diskutimi i të drejtave dhe mbrojtjes së komunitetit
- b) Adresimi i çështjeve që kanë të bëjnë me komunitetet në pakicën numerike
- c) Avokimi për të drejtat dhe interesat e komuniteteve në një komunë të caktuar

5) Sipas mendimit tuaj, a janë mekanizmat lokale për mbrojtje së komuniteteve një mjet i dobishëm për përfshirjen dhe integrimin e komunitetit?

- a) Një mjet i dobishëm për adresimin e shqetësimeve dhe interesave të komunitetit
- b) Një detyrim ligjor që duhet të përmbushet
- c) Nuk jam i sigurt

Serbian

1). Da li ste upoznati sa postojanjem mehanizama zaštite Lokalne zajednice u vašoj opštini?

- a). Da
- b). Ne
- c). Nisam siguran

2). Da li ste upoznati sa funkcijama i dužnostima mehanizma zaštite lokalne zajednice?

- a). Da
- b). Ne

3). Da li ste se ikada bavili nekim problemom putem mehanizma zaštite lokalne zajednice?

- a). Da
- b). Ne

4). Šta mislite, koja bi trebala da bude uloga mehanizama zaštite lokalne zajednice?

- a). Diskusija o pravima i zaštiti zajednice
- b). Rešavanje pitanja koja imaju zajednice koje su u brojčanoj manjini
- c). Zalaganje za prava i interese zajednica u datoj opštini

5). Da li su po Vašem mišljenju mehanizmi zaštite zajednica korisno sredstvo za uključivanje i integraciju zajednice?

- a). Praktičan alat za rešavanje zabrinutosti i interesa zajednice
- b). Zakonska obaveza koja se mora ispuniti
- c). Nisam siguran

Macedonian

1) Дали сте свесни за постоењето на механизмите за заштита на локалната заедница во вашата општин

- а) Да
- б) Не
- в) Не е сигурно

2) Дали сте свесни за функциите и должностите на механизмот за заштита на локалната заедница?

- а) Да
- б) Не

3) Дали некогаш сте се осврнале на проблем со механизмите за заштита на локалната заедница?

- а) Да
- б) Не

4) Што мислите, каква треба да биде улогата на механизмите за заштита на локалната заедница?

- а) Дискутирање на правата и заштитата на заедницата
- б) Обратете се на прашањата што ги имаат заедниците во нумеричкото малцинство

в) Застапување за правата и интересите на заедниците во дадена општина

5) Според вас, дали механизмите за заштита на заедницата се корисна алатка за вклучачување и вклучањаница и аинтегер?

а) Практична алатка за решавање на грижите и интересите на заедницата

б) Законска обврска што мора да биде исполнета

в) Не е сигурно